

CR 595 Packages

'Casey, Steve \(DEQ\)', 'Pennala, Virginia \(DEQ\)',

Jeff King to: 'North, Deana \(DEQ\)', 'Conradson, Susan \(DEQ\)',

01/18/2012 06:23 PM

Melanie Haveman

"'Meier, John \(KEMC-TEMP\)", "'Jim Iwanicki", "'Losee, Todd Cc: \(DEQ\)"', "'Fulcher, Jerry \(DEQ\)", "'John Vigna"', "'Chuck Wolverton'"

Please respond to jking

Ladies and Gentlemen -

Just as an FYI, we UPS'd your copies of the latest version of the CR 595 application (CD and hard copies) to you this afternoon. We understand those packages are guaranteed to arrive in your offices by sometime Friday, hopefully Thursday for those of you not in the U.P. If you do not receive them by Monday morning January 23, please call or email me, and we will track them down.

One item that we inadvertently left out of your packages sent out today is the set of "Plan and Profile" drawings in 11"x17" size. That drawing set is on the CD and in Tab 9 of the binder in 8½"x11" size, but I know most of you asked for the larger version of that particular drawing set, so we will be sending those out to you tomorrow as a separate package. Sorry for the inconvenience.

Thank you.

Jeff



Marquette CR 595 DEQ-WRD Transportation Public Notice Number 11-52-0075-P

'Pennala, Virginia \(DEQ\)', 'Smolinski, Mike

Jeff King to: \(DEQ\)', 'Casey, Steve \(DEQ\)', 'Larsen, Bill
\(DEQ\)', 'Losee, Todd \(DEQ\)', 'Okeefe, Colleen
"'Scott, Steven \(DNR\)", Sue Elston, "'Fulcher, Jerry \(DEQ\)",

Cc: "'Fish, Kim \(DEQ\)", "'Masterson, Mike \(DEQ\)", "'Chuck
Wolverton", "'Jim Iwanicki"

01/24/2012 09:53 AM

Please respond to jking

CR 595 Permit Application Reviewers -

Over the course of the past week we have mailed (via UPS) both hard copies and a CD of the entire CR 595 permit application package to each of you. While the DEQ public notice (see link below) is comprehensive, there are other details associated with the proposed project that, given your particular area of interest/expertise, may not be completely covered in the DEQ notice. The purpose of this email is to let you know that by the end of the day today each of you should have that permit application package in your office. If for any reason you have not yet received it, please contact me at your earliest convenience so that we might track it down and/or send you another copy. In addition, if you would like more copies for review by others, or larger versions of some of the drawings, we would be pleased to provide those as well.

We look forward to your reviews, questions and/or comments. We understand your questions/comments will be directed through your appropriate internal channels prior to our receipt of them.

Thank you again for your time and on-going attention to this matter.

Jeff King

King & MacGregor Environmental, Inc 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office Phone (616) 957-2198 - Office Fax (248) 207-6996 - Cell

www.king-macgregor.com

From: DEQ-WRD-TFHM [mailto:DEQ-WRD-TFHM@michigan.gov]

Sent: Tuesday, January 24, 2012 8:58 AM

To: jiwanicki@margroad.org

Cc: Doepker, Robert (DNR); Madison, George (DNR); Casey, Steve (DEQ); Smolinski, Mike (DEQ); Pennala, Virginia (DEQ); Conradson,

Susan (DEQ); Okeefe, Colleen (DEQ); Losee, Todd (DEQ); Larsen, Bill (DEQ); haveman.melanie@epa.gov; chris_mensing@fws.gov; jking@king-macgregor.com; elytwp@up.net; jrankinen@portup.com; mitown@up.net; countyclerk@mqtcity.org; renee.leow@macd.org; pmfarrell@chartermi.net; fbenzie@hline.org

Subject: Michigan DEQ-WRD Transportation Public Notice Number 11-52-0075-P

Michigan Department of Environmental Quality (MDEQ) Water Resources Division (WRD) Public Notice Postings

NOTE: The Public Notice Link will need to be viewed using the HTML option, under View on your menu bar. If you try to open the link with the Plain Text option you will receive an error.

Due to budget cuts, the WRD of the MDEQ will be sending announcements of Public Notices for projects in your area via e-mail. If you have any questions or comments please let me know.

The MDEQ, WRD has posted the following Transportation notices to our internet home page. Comments can be sent directly to field staff by locating the file on CIWPIS on Line, at http://www.deq.state.mi.us/lwmpnh, by clicking on the envelope icon at the end of the Comment Period line.

* * * *

County: Marquette

Public Notice Date: 1/23/2012

Application Number: 11-52-0075-P

Applicant: Marquette County Road Commission

Project Location: T47N, R29W, Section 2,

Humboldt Township, Marquette County

Regulatory Authority under NREPA: Part 301, Inland

Lakes and Streams

http://www.deq.state.mi.us/lwmpnh-data/11520075pn.pdf



Re: Federal Agency Meeting Melanie Haveman to: jking

02/16/2012 05:03 PM

Hi Jeff,

I have spoken to the other federal agencies, and they are willing to meet either by phone or in person. Someone from the state should also be there in order to be cognizant of MDEQ's permitting authority. I sent a message to Todd, but I haven't heard back yet.

I will be out until Tuesday so I wanted to get back to you. Any way we could set the meeting up in West Michigan? That way more people would be able to attend.

Thanks, Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255



CR 595 Meeting - 10 a.m. Friday, March 2 at 2520 Woodmeadow Drive SE, Grand Rapids, MI 49546

Jeff King to: Melanie Haveman, Chris_Mensing, 'Losee, Todd \(DEQ\)', 'Larsen, Bill \(DEQ\)'

02/28/2012 04:01 PM

"Battle, Jean M LRE", "'Simon, Charles M LRE", "'John Konik", Cc: "'Jim Iwanicki", "'Chuck Wolverton", "'Casey, Steve \(DEQ\)", "'Pennala, Virginia \(DEQ\)"

Please respond to jking

History:

This message has been forwarded.

Looking forward to our meeting this coming Friday at 10 a.m.

Thank you for arranging your schedules to attend or call-in. The call-in number is 866 213-1863, access code 5642018. I expect we will run no longer than noon at the latest.

For those driving/coming from Lansing, take the 28th Street exit west approximately 3 miles to Breton Street traffic light. (There is car dealership – Berger Chevrolet on the north side of 28th Street just before you get to Breton.)

At the light, go north (right) onto Breton for a long city block to the first intersection (Woodmeadow Drive), there is a traffic light there. Turn east (right again) onto Woodmeadow and then turn south almost immediately (right again) into a driveway into a large church-shared parking lot - go to the far east end of that parking lot. Our office building is on the east end of that parking lot. Walk up the sidewalk on the front side of the upper level of the office building, along Woodmeadow. Our door is on the right.

Coming from the west, take 28 Street east from U.S. 131 about 3 miles and then follow the same directions, going north (left) on Breton.

Please call or email if you are having any problems getting there or calling in? Thank you.

Jeff King King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



RE: CR 595 Meeting - 10 a.m. Friday, March 2 at 2520 Woodmeadow Drive

SE, Grand Rapids, MI 49546 Melanie Haveman to: iking

02/28/2012 05:22 PM

Cc: Sue Elston

Sue is planning to call in.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

"Jeff King" Melanie - 02/28/2012 05:17:03 PM

From: "Jeff King" <jking@king-macgregor.com>
To: Melanie Haveman/R5/USEPA/US@EPA

Cc: Sue Elston/R5/USEPA/US@EPA, Sue Elston/R5/USEPA/US@EPA

Date: 02/28/2012 05:17 PM

Subject: RE: CR 595 Meeting - 10 a.m. Friday, March 2 at 2520 Woodmeadow Drive SE, Grand Rapids, MI

49546

Melanie -

Is Sue coming? It would be great if she did!

Jeff

From: Melanie Haveman [mailto:Haveman.Melanie@epamail.epa.gov]

Sent: Tuesday, February 28, 2012 5:07 PM

To: Sue Elston **Cc:** Jeff King

Subject: Fw: CR 595 Meeting - 10 a.m. Friday, March 2 at 2520 Woodmeadow Drive SE, Grand Rapids,

MI 49546

---- Forwarded by Melanie Haveman/R5/USEPA/US on 02/28/2012 04:05 PM -----

From: "Jeff King" < iking@king-macgregor.com >

To: Melanie Haveman/R5/USEPA/US@EPA, < "Chris_Mensing@fws.gov">

"Larsen, Bill \(DEQ\)" < LARSENB@michigan.gov>

Cc: "Battle, Jean M LRE" < <u>Jean.M.Battle2@usace.army.mil</u>>, "'Simon, Charles M LRE" < <u>Charles.M.Simon@usace.army.mil</u>>, "'John Konik" < <u>John.Konik@lre02.usace.army.mil</u>>, "'Jim Iwanicki" < <u>jiwanicki@marqroad.org</u>>, "'Chuck Wolverton'" < <u>cwolverton@king-macgregor.com</u>>, "'Casey, Steve \(DEQ\)" < <u>CASEYS@michigan.gov</u>>, "'Pennala, Virginia \(DEQ\)" <

PENNALAV@michigan.gov>
Date: 02/28/2012 04:01 PM

Subject: CR 595 Meeting - 10 a.m. Friday, March 2 at 2520 Woodmeadow Drive SE, Grand Rapids, MI 49546

Looking forward to our meeting this coming Friday at 10 a.m.

Thank you for arranging your schedules to attend or call-in. The call-in number is 866 213-1863, access code 5642018. I expect we will run no longer than noon at the latest.

For those driving/coming from Lansing, take the 28th Street exit west approximately 3 miles to Breton Street traffic light. (There is car dealership – Berger Chevrolet on the north side of 28th Street just before you get to Breton.)

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Coming from the west, take 28 Street east from U.S. 131 about 3 miles and then follow the same directions, going north (left) on Breton.

Please call or email if you are having any problems getting there or calling in? Thank you.

Jeff King

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



Marquette County Road Commission CR 595

James Iwanicki to: Melanie Haveman

C: "Steve Casey", "Jeff King", "Chuck Wolverton", "'Meier, John
\(KEMC-TEMP\)\""

05/02/2012 03:56 PM

Hi Melanie

We are in receipt of the April 23, 2012 letter from Ms. Tinka Hyde, EPA Water Division, to the Michigan Department of Environmental Quality (MDEQ) providing comments on our application for permit for the proposed Marquette County Road 595 project. Our project team is actively working on reviewing the comments made in that letter and we are currently in the process of preparing a detailed response. In order to make that upcoming response as comprehensive as possible, we would like to meet with you at your earliest convenience and discuss certain details of the April 23, 2012 letter.

As you may know, in response to the MDEQ letter of March 13, 2012, we submitted (to the MDEQ) a letter and report dated April 12, 2012 wherein we provided additional details regarding the proposed 595 project, in an effort to clarify and amplify various aspects of the permit application to MDEQ. Subsequently, on April 30, 2012, we received an email from Steve Casey wherein he advised us that various items in our letter required further clarification. We expect to be responding to MDEQ with regard to those matters within the next few days.

We believe that our upcoming response to MDEQ will address many of the comments in your April 23, 2012 letter. Therefore, we expect to be including all or portions of our response to MDEQ in our upcoming letter to you. We believe that our correspondence with MDEQ will be a good basis for discussion when we meet.

Your April 23, 2012 letter specifically mentions several points with regard to the issue of project impacts, both direct and indirect. We would appreciate being able to receive some guidance with respect to those points in order to gain a better understanding of what the federal agencies' expectations are with respect to project impacts. We remain committed to working with all regulatory agencies in order to best analyze and address all regulated resource impacts associated with this project; our receipt of additional input from EPA and others with expertise in the specific areas of natural resource concerns will be of benefit to us in expeditiously conducting that analysis and addressing relevant issues.

For example, some of the issues raised in your letter that we would like to discuss at our meeting include the following:

1. Other alternatives that you believe meet the project

purpose (page 2, paragraph 3);

- 2. Indirect and cumulative stream impacts (page 4, paragraph 1);
- 3. Changes to wetland flow patterns due to floodplain compensating cuts, peat excavation and equalization culverts (page 5, paragraph 2);
- 4. Impacts on hydrology and water quality of streams, and loss of stream functionality (page 5, paragraph 5);
- 5. Wetland and stream mitigation (page 7).

As it relates to the timing of our upcoming formal response, we understand we have 90 days (in this case from April 23, 2012) to resolve your objection to MDEQ permit issuance. The introduction in your letter speaks to the possibility of MDEQ requesting a hearing with EPA. We are not familiar with that procedure and would appreciate further explanation and discussion about this process, as it would appear to have the potential of affecting the timing of our response and your subsequent review. It is our goal to provide a timely response to your April 23, 2012 letter in order to provide your office with as much time as possible to review the additional project information, and thereby remove any objection to MDEQ issuance of the permit. We are in regular communication with MDEQ and will continue to work with them and your office as you deem appropriate in order to address all outstanding concerns.

We have asked MDEQ to coordinate a meeting between the three of us (MDEQ, EPA, Road Commission). If you have any questions prior to our meeting, please contact me at your earliest convenience. We look forward to that meeting. Thank you for your on-going consideration.

Jim I

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



RE: CR 595 Proposed Meeting Agenda

'DEQ-UP-Superior', jiwanicki, 'Chuck Wolverton', to: 'Pennala, Virginia \(DEQ\)', 'Fulcher, Jerry \(DEQ\)', 'Losee, Todd \(DEQ\)', 'Larsen, Bill \(DEQ\)',

05/09/2012 11:37 AM

Please respond to jking

I am planning to attend, and would like to do so in Lansing, if that is possible.

Jeff

----Original Appointment----

From: Casey, Steve (DEQ) [mailto:CASEYS@michigan.gov] On Behalf Of

DEQ-UP-Superior

Sent: Wednesday, May 09, 2012 11:40 AM

To: jking@king-macgregor.com; jiwanicki@marqroad.org; 'Chuck Wolverton'; Pennala, Virginia (DEQ); Fulcher, Jerry (DEQ); Losee, Todd

(DEQ); Larsen, Bill (DEQ); Masterson, Mike (DEQ);

'haveman.melanie@epa.gov'

Subject: FW: CR 595 Proposed Meeting Agenda

When: Monday, May 14, 2012 1:00 PM-3:00 PM (UTC-05:00) Eastern

Time (US & Canada).

Where:

When: Monday, May 14, 2012 1:00 PM-3:00 PM (GMT-05:00) Eastern

Time (US & Canada).

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*

Jim,

All government parties have accepted this meeting time. As we understand it, MCRC requested this meeting to review the EPA objection letter. If you would like to provide a more specific agenda, please feel free to do so. If you or your consultants would like to join in person in Lansing or the Gwinn office, let me know.

STeve

From: DEQ-UP-Superior

Sent: Tuesday, May 08, 2012 8:36 AM

To: DEQ-UP-Superior; Casey, Steve (DEQ); DEQ-CH2S-Jack_Faxson-WD; Pennala, Virginia (DEQ); Fulcher, Jerry (DEQ); Losee, Todd (DEQ); Larsen, Bill (DEQ)

Subject: CR 595 Proposed Meeting Agenda

When: Monday, May 14, 2012 1:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where:

When: Monday, May 14, 2012 1:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*

877-848-7030 Access code 1409504



Scheduling field review of CR 595

caseys, Ginny Pennala, madisong, Chuck Wolverton to: kramerd, roellb, minzeyt, Adam Olson, 'Kevin Trevillian', 'Losee, Todd (DEQ)', "Meier, John (KEMC-TEMP)", "Rhodea, Paul (TI)", jking, "Matt

MacGregor \(Matt MacGregor\)"

As discussed at the meetings/conference call last week, we plan to conduct a field review of the proposed CR 595 to evaluate each stream crossing, each MNFI S3 wetland where CR 595 will have some impact, and anything else that MDEQ, MDNR, or EPA would like to evaluate/see. It is expected that we will need two full (i.e. 10-12 hour) field days to conduct this review. Ginny Pennala and I have discussed some potential dates and hope that everyone else can fit these dates into your busy schedules. This is a very important field review because substantial revisions have been made in the proposed stream crossings and your input is needed. The MDEQ timeline for the review of the application is closing in on us quickly.

We can schedule two consecutive days or we can schedule two separate days depending on what will work to get everyone there. The suggested dates at this time are:

Monday, June 11 (start at 8 am) Tuesday, June 12 (have to end field day by 2 pm-Ginny to a conference) Monday, June 18 (start at 8 am) through Friday, June 22 (prefer Monday and Tuesday 6/18 and 6/19) A stand-alone day would be Friday June 22

Please let me know ASAP what days work for each of you and then I will see what we can schedule.

Thank you. Chuck

Charles L. Wolverton King & MacGregor Environmental, Inc. 14039 Lakeside Avenue Bear Lake, MI 49614

Cell (231) 912-0505

05/28/2012 03:42 PM



Attempt #2: Scheduling field review of CR 595

caseys, Ginny Pennala, madisong, Chuck Wolverton to: kramerd, roellb, minzeyt, Adam Olson, 'Kevin Trevillian', 'Losee, Todd \(DEQ\)', "Meier, John \(KEMC-TEMP\)", "Rhodea, Paul \(TI\)", jking, "'Matt

MacGregor \(Matt MacGregor\)"

05/29/2012 01:02 PM

I have received responses from Ginny, Brian, Terry, George, Adam, and Kevin so far today and their responses have refined the dates for the field review of the revisions to CR 595. It now appears that the best available full dates for the field review are Monday, June 11 (8 am start) and Monday, June 18 (8 am start). These days would require Todd and me to travel up on two consecutive Sunday evenings, but that is OK with me, hopefully with Todd.

George is not available on June 19 or 22; Ginny has to leave by 2 pm on June 19.

Will the 11th and the 18th work for everyone? Please advise ASAP so we can get this on the schedules. Thank you for your consideration! Chuck

From: Chuck Wolverton [mailto:cwolverton@king-macgregor.com]

Sent: Monday, May 28, 2012 4:43 PM

To: caseys@michigan.gov; Ginny Pennala; madisong@michigan.gov; kramerd@michigan.gov; roellb@michigan.gov; minzeyt@michigan.gov; Adam Olson (aolson@coleman-engineering.com); 'Kevin Trevillian' (ktrevillian@coleman-engineering.com); 'Losee, Todd (DEQ)' (LOSEET@michigan.gov); Jim Iwanicki (jiwanicki@margroad.org); haveman.melanie@epamail.epa.gov

Cc: Meier, John (KEMC-TEMP) (John.Meier@riotinto.com); Rhodea, Paul (TI) (Paul.Rhodea@riotinto.com); jking@king-macgregor.com; 'Matt MacGregor (Matt MacGregor)' (mmacgregor@king-macgregor.com) Subject: Scheduling field review of CR 595

As discussed at the meetings/conference call last week, we plan to conduct a field review of the proposed CR 595 to evaluate each stream crossing, each MNFI S3 wetland where CR 595 will have some impact, and anything else that MDEQ, MDNR, or EPA would like to evaluate/see. It is expected that we will need two full (i.e. 10-12 hour) field days to conduct this review. Ginny Pennala and I have discussed some potential dates and hope that everyone else can fit these dates into your busy schedules. This is a very important field review because substantial revisions have been made in the proposed stream crossings and your input is needed. The MDEQ timeline for the review of the application is closing in on us quickly.

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Monday, June 11 (start at 8 am)
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Monday and Tuesday 6/18 and 6/19)
A stand-alone day would be Friday June 22

Please let me know ASAP what days work for each of you and then I will see what we can schedule.

Thank you. Chuck

Charles L. Wolverton King & MacGregor Environmental, Inc. 14039 Lakeside Avenue Bear Lake, MI 49614

Cell (231) 912-0505



Final Schedule for field review of CR 595

caseys, Ginny Pennala, madisong, Chuck Wolverton to: kramerd, roellb, minzeyt, Adam Olson, 'Kevin Trevillian', 'Losee, Todd (DEQ)', "Meier, John (KEMC-TEMP)', "Rhodea, Paul (TI)', jking, "Matt

MacGregor \(Matt MacGregor\)", wellings1

All:

We have selected June 11, part of June 12, and June 18 as the dates to put on your schedules for the field review of the stream crossing revisions and other components of the CR 595 project. We will begin at 8 am each day at a location to be determined except June 11 we will meet on the west side of Wolf Lake Road just north of US-41 on property owned by Lindberg & Sons. There is adequate space to park there. We will do some planning to minimize the number of vehicles we need for safety and logistic reasons. Please bring orange safety vests, food and drink to get you through a long day. We are planning measures to expedite the field review as much as possible, which we will detail for you later.

Please be prepared to be in the field for an extended day on June 11. If we can get a lot done on Monday June 11, we will determine if we can possibly finish up on Tuesday before 1 pm when Ginny has to leave. If we could possibly get done with the portion south of Mulligan Creek, then maybe Tuesday June 12 we could do the north part, which should only take ½ day. If we decide we can't finish on Tuesday June 12, then we can reconvene on Monday June 18 where we left off on June 11. We are flexible to your desires for this field review. The project engineers will be there to answer any questions on the plans and hopefully I can provide answers or respond to natural resources questions/issues. Jim Iwanicki or one of his staff can provide answers on road commission matters.

Thank you for your commitment to this effort. It is important and appreciated as we look to continue to work cooperatively to resolve issues, answer questions, and move forward with the review of this project. If anything comes to mind that you want to have addressed in the field or have information provided prior to the field review please let me know. We plan to have the response to the MDNR comments, the MDEQ items of clarification, and the response to EPA completed prior to the field review.

Thank you again. See you on June 11. **Chuck Wolverton**

From: Chuck Wolverton [mailto:cwolverton@king-macgregor.com]

Sent: Tuesday, May 29, 2012 2:02 PM

To: caseys@michigan.gov; Ginny Pennala; madisong@michigan.gov;

05/29/2012 04:52 PM

kramerd@michigan.gov; roellb@michigan.gov; minzeyt@michigan.gov; Adam Olson (aolson@coleman-engineering.com); 'Kevin Trevillian' (ktrevillian@coleman-engineering.com); 'Losee, Todd (DEQ)' (LOSEET@michigan.gov); Jim Iwanicki (jiwanicki@marqroad.org); haveman.melanie@epamail.epa.gov
Cc: Meier, John (KEMC-TEMP) (John.Meier@riotinto.com); Rhodea, Paul

Cc: Meier, John (KEMC-TEMP) (John.Meier@riotinto.com); Rhodea, Paul (TI) (Paul.Rhodea@riotinto.com); jking@king-macgregor.com; 'Matt MacGregor (Matt MacGregor)' (mmacgregor@king-macgregor.com) Subject: Attempt #2: Scheduling field review of CR 595

I have received responses from Ginny, Brian, Terry, George, Adam, and Kevin so far today and their responses have refined the dates for the field review of the revisions to CR 595. It now appears that the best available full dates for the field review are Monday, June 11 (8 am start) and Monday, June 18 (8 am start). These days would require Todd and me to travel up on two consecutive Sunday evenings, but that is OK with me, hopefully with Todd.

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Sent: Monday, May 28, 2012 4:43 PM

To: caseys@michigan.gov; Ginny Pennala; madisong@michigan.gov; kramerd@michigan.gov; roellb@michigan.gov; minzeyt@michigan.gov; Adam Olson (aolson@coleman-engineering.com); 'Kevin Trevillian' (ktrevillian@coleman-engineering.com); 'Losee, Todd (DEQ)' (LOSEET@michigan.gov); Jim Iwanicki (jiwanicki@marqroad.org); haveman.melanie@epamail.epa.gov

Cc: Meier, John (KEMC-TEMP) (John.Meier@riotinto.com); Rhodea, Paul (TI) (Paul.Rhodea@riotinto.com); jking@king-macgregor.com; 'Matt MacGregor (Matt MacGregor)' (mmacgregor@king-macgregor.com) Subject: Scheduling field review of CR 595

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Monday and Tuesday 6/18 and 6/19)
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Please let me know ASAP what days work for each of you and then I will see what we can schedule.

Thank you. Chuck

Charles L. Wolverton King & MacGregor Environmental, Inc. 14039 Lakeside Avenue Bear Lake, MI 49614

Cell (231) 912-0505



CR 595 Permit Application Second River Crossing

James Iwanicki to: Steve Casey, Virginia Pennala, Melanie Haveman

Cc: "Chuck Wolverton", "Jeff King", "'Meier, John \(KEMC-TEMP\)""

History:

This message has been forwarded.

[attachment "1939 Air Photo Second River crossing.pdf" deleted by Melanie Haveman/R5/USEPA/US] Hi Ginny, Steve and Melanie

Attached please find an air photo from 1939 which shows the Wolf Lake Road Second River Crossing. The photo shows one crossing of the road. We will be working on a plan to create one channel under the proposed bridge.

If you have any questions please let me know.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200 05/31/2012 02:36 PM



Revised Field Evaluation of CR 595 Project

Chuck Wolverton to: Jim Iwanicki, Ginny Pennala, madisong, kramerd, roellb, minzeyt, Melanie Haveman

caseys, jking, "'Matt MacGregor \(Matt MacGregor\)", "Meier, John \(KEMC-TEMP\)", "Rhodea, Paul \(TI\)"

Steve Casey indicated today that he wanted to have the CR 595 field review by MDEQ, MDNR, and EPA (invited but not confirmed) completed Monday and Tuesday next week. The only person that had a conflict on Tuesday 6/12 I believe was Ginny but her schedule has apparently been cleared to allow us all day Monday and Tuesday next week 6/11 and 6/12 to complete the field review. We will meet as previously planned on Monday morning and then we will make our Tuesday plans according to where we end up on Monday.

Thank you and hope this change has not caused you any inconvenience.
Chuck

Charles L. Wolverton King & MacGregor Environmental, Inc. 14039 Lakeside Avenue Bear Lake, MI 49614

Cell (231) 912-0505

06/04/2012 04:39 PM



Marquette County Road Commission Meeting agenda June 29

James Iwanicki to: Tinka Hyde Cc: Melanie Haveman, "Steve Casey", "Jeff King" 06/26/2012 06:36 AM

Hi Tinka

Below is the proposed agenda for our meeting.

It is based on my assumption that you would like to see some of the issues in the field. If my assumption is incorrect please let me know and we will make changes to the agenda.

Participants:

Tinka Hyde – EPA Melanie Haveman – EPA Steve Casey – MDEQ Jeff King – K&M Jim Iwanicki - MCRC

Agenda:

9:00 am EST Meet at Road Commission Office in Ishpeming

Discuss Permit Time Frame (EPA Letter and Possible

Public Hearing)

Discuss Additional Information provided to EPA and

DEQ

Discuss Routes and Locations

Discuss Mitigation

Discuss EPA Objections to Projects

Visit Field Locations - Road Commission 7 Passenger

Van

If the desire is to see as many of the issues in the field as possible I would suggest that we discuss these topics as we are driving the project.

Meeting Finished at approximately 1:30 pm EST

Below is a link to our office location at 1610 North Second Street, Ishpeming MI 49849.

https://maps.google.com/maps/ms?msid=210916153114717102110.0 004c35044343da31a3c6&msa=0

Thanks

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



Re: June 29- CR 595 App Package CD Jeff King to: Melanie Haveman, John Vigna

"Casey, Steve \\(DEQ\\)", jiwanicki, pennalav, Jean.M.Battle2,

Chris_Mensing

History:

This message has been replied to.

Yes, are cds for friday delivery okay or do you think they want hard copies?

Connected by DROID on Verizon Wireless

----Original message----

From: Melanie Haveman < Haveman. Melanie @epamail.epa.gov>

To: John Vigna <jvigna@king-macgregor.com>
Cc: "'Casey, Steve \\((DEQ\\))'"

 $<\!\!CASEYS@michigan.gov\!\!>, jiwanicki@marqroad.org,$

jking@king-macgregor.com, pennalav@michigan.gov,

 $Jean.M. Battle 2@usace.army.mil, Chris_Mensing@fws.gov$

Sent: Tue, Jul 3, 2012 21:39:38 GMT+00:00 Subject: Re: June 29- CR 595 App Package CD

Will you please send a copy of the newest materials to Chris Mensing at FWS and to the Jean Battle at the Corps?

Thank you, Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

From: "John Vigna" <jvigna@king-macgregor.com>

To: <pennalav@michigan.gov>,

Cc: <jiwanicki@marqroad.org>, Melanie Haveman/R5/USEPA/US@EPA, "'Casey,

Steve \(DEQ\)"" <CASEYS@michigan.gov>, <jking@king-macgregor.com>

Date: 07/02/2012 08:46 AM

Subject: June 29- CR 595 App Package CD

Ginny, on Friday, I noticed that the CDs that were created for delivery to you on Friday have a couple minor errors as follows:

07/03/2012 05:03 PM

- 1. Folder 10 has the wetland cross sections spreadsheet in it, when it should have the wetland cross section plans
- 2. Folder 18- Appendix P has the EB Salmon Trout mitigation plans when it should have the new Wetland and Stream Mitigation plan (however the Wetland and Stream Mitigation plan can be found in Folder 16). I am sending revised CDs to you (2) and to Melanie Haveman and Jim Iwanicki, to replace the four CDs in the packages delivered on Friday.

I apologize for any confusion. Any questions or concerns, please let me know. Thanks.

John R. Vigna
King & MacGregor Environmental, Inc.
2520 Woodmeadow Drive SE
Grand Rapids, MI 49546

(616) 957-1231 FAX 957-2198 CELL 540-8544



Re: June 29- CR 595 App Package CD

Melanie Haveman to: Jeff King

07/05/2012 07:49 AM

Jeff, I would send cd's unless they say differently.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

> "Jeff King" Yes, are cds for friday delivery okay or do you th... 07/03/2012 05:03:29 PM

From: "Jeff King" < jking@king-macgregor.com>

Melanie Haveman/R5/USEPA/US@EPA, "John Vigna" <jvigna@king-macgregor.com>, To: "Casey, Steve \\(DEQ\\)" < CASEYS@michigan.gov>, jiwanicki@marqroad.org, Cc:

pennalav@michigan.gov, Jean.M.Battle2@usace.army.mil, Chris Mensing@fws.gov

07/03/2012 05:03 PM Date:

Re: June 29- CR 595 App Package CD Subject:

Yes, are cds for friday delivery okay or do you think they want hard copies?

Connected by DROID on Verizon Wireless

----Original message----

From: Melanie Haveman < Haveman. Melanie @epamail.epa.gov>

To: John Vigna < ivigna@king-macgregor.com>

Cc: "'Casey, Steve \\(DEQ\\)'" < CASEYS@michigan.gov>, jiwanicki@marqroad.org,

jking@king-macgregor.com, pennalav@michigan.gov, Jean.M.Battle2@usace.army.mil,

Chris Mensing@fws.gov

Sent: Tue, Jul 3, 2012 21:39:38 GMT+00:00 Subject: Re: June 29- CR 595 App Package CD

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From: "John Vigna" <jvigna@king-macgregor.com> To: <pennalav@michigan.gov>,

Cc: <jiwanicki@marqroad.org>, Melanie Haveman/R5/USEPA/US@EPA, "'Casey, Steve \(DEQ\)\"

<CASEYS@michigan.gov>, <jking@king-macgregor.com>

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I apologize for any confusion. Any questions or concerns, please let me know. Thanks.

John R. Vigna

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546

(616) 957-1231 FAX 957-2198 CELL 540-8544



RE: June 29- CR 595 App Package CD

Jeff King to: Melanie Haveman
 "'Casey, Steve \(DEQ\)", jiwanicki, pennalav, Jean.M.Battle2,
 Cc: Chris_Mensing, jhulst, "'John Vigna", "'Chuck Wolverton'", "'Meier, John \(RT-EAGLE-Contractor\)"

Please respond to jking

We have made two additional copies of the revised application CDs and will be sending overnight mail this afternoon. Thank you for your patience.

Jeff

From: Melanie Haveman [mailto:Haveman.Melanie@epamail.epa.gov]

Sent: Tuesday, July 03, 2012 5:40 PM

To: John Vigna

Cc: 'Casey, Steve (DEQ)'; jiwanicki@marqroad.org; jking@king-macgregor.com; pennalav@michigan.gov; Jean.M.Battle2@usace.army.mil; Chris_Mensing@fws.gov

Subject: Re: June 29- CR 595 App Package CD

Will you please send a copy of the newest materials to Chris Mensing at FWS and to the Jean Battle at the Corps?

Thank you, Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

From: "John Vigna" <jvigna@king-macgregor.com>

To: <pennalav@michigan.gov>,

Cc: <jiwanicki@marqroad.org>, Melanie Haveman/R5/USEPA/US@EPA, "'Casey,

Steve \(DEQ\)"" <CASEYS@michigan.gov>, <jking@king-macgregor.com>

Date: 07/02/2012 08:46 AM

Subject: June 29- CR 595 App Package CD

Ginny, on Friday, I noticed that the CDs that were created for delivery to you on Friday have a couple minor errors as follows:

1. Folder 10 has the wetland cross sections spreadsheet in it, when it should have the wetland cross section plans

07/05/2012 09:56 AM

2. Folder 18- Appendix P has the EB Salmon Trout mitigation plans when it should have the new Wetland and Stream Mitigation plan (however the Wetland and Stream Mitigation plan can be found in Folder 16). I am sending revised CDs to you (2) and to Melanie Haveman and Jim Iwanicki, to replace the four CDs in the packages delivered on Friday.

I apologize for any confusion. Any questions or concerns, please let me know. Thanks.

John R. Vigna
King & MacGregor Environmental, Inc.
2520 Woodmeadow Drive SE
Grand Rapids, MI 49546

(616) 957-1231 FAX 957-2198 CELL 540-8544



FW: CR 595 Centerline GIS Shapefile Jeff King to: Melanie Haveman Please respond to jking

07/16/2012 01:52 PM

Melanie -

I think this is what you were looking for? Please let me know if it is?

You will notice it was sent to DEQ on July 5, looks like we forgot to copy you, for what that's worth. Other than an apology.

Thanks.

Jeff

From: Jon Alderton [mailto:jalderton@coleman-engineering.com]
Sent: Thursday, July 05, 2012 6:55 PM
To: Todd Losee (LOSEET@michigan.gov); Brian Addicks
(Brian.D.Addicks@fluor.com); John Meier (John.Meier@riotinto.com);
Jeff King (jking@king-macgregor.com); Chuck Wolverton
(cwolverton@king-macgregor.com); Matt MacGregor

(mmacgregor@king-macgregor.com)

Cc: Kevin Trevillian; Adam Olson; Gary Hoaglund

Subject: CR 595 Centerline GIS Shapefile

All,

Attached is the requested CR 595 centerline GIS Shapfile.

Projection:

NAD_1983_HARN_StatePlane_Michigan_North_FIPS_2111_Feet_Intl

Thanks!

Jonathan Alderton | GIS/CAD Tech | Env. Field Tech 635 Circle Drive | Iron Mountain, MI 49801

2: 906.774.3440 | **3**: 906.774.7776 | **1** : 906.361.1817

******* ATTACHMENT NOT DELIVERED **************

This Email message contained an attachment named

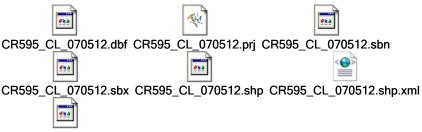
image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

******* ATTACHMENT NOT DELIVERED *************



CR595 CL 070512.shx



CR 595 Call - Tuesday, July 17, 2012 3:30 p.m. EDT re conceptual mitigation plans

Jeff King to: Melanie Haveman, 'Casey, Steve \(DEQ\)'
Cc: "'James Iwanicki'", cwolverton, "'Pennala, Virginia \(DEQ\)'"
Please respond to jking

07/17/2012 08:05 AM

Melanie/Steve -

As we communicated yesterday, we have scheduled a short conference call at 0330 EDT today (Tuesday, July 17, 2012) to discuss our on-going efforts to provide an acceptable mitigation (preservation) plan.

We intend to be sending you a graphic or two that should help facilitate this discussion shortly. Looking forward to the conversation later this afternoon...

Call-in number (866) 210-4313

Code 504 166 2327

Thank you.

Jeff King King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



CR 595 Correction of Error on Wetland Impacts for CR 510/Red Road/Sleepy Hollow Route

Jeff King to: Melanie Haveman
"'Casey, Steve \(DEQ\)"', "'Fish, Kim \(DEQ\)"', "'Pennala, Virginia
Cc: \(DEQ\)"', "'James Iwanicki", cwolverton, "'Meier, John
\(RT-EAGLE-Contractor\)"', "'Rhodea, Paul \(TI\)"', "'Matt
Please respond to jking

07/20/2012 09:58 AM

History:

This message has been forwarded.

Melanie -

As we briefly discussed earlier this week, on this past Tuesday afternoon we realized we had made an error in informing Jim Iwanicki that the wetland impacts associated with the CR 510/Red Road/Sleepy Hollow route alternative were approximately 23.19 acres, so that when Mr. Iwanicki made his representations to that fact in our most recent permit application submittal, that acreage number was incorrect due to our mistake. We are working on rectifying this discrepancy quickly so as to get you and the DEQ an accurate CR 510/Red Road/Sleepy Hollow wetland impact number next week (along with other minor document corrections/revisions to the permit application so that the DEQ can post it to their website and continue with their review), but wanted to let you know at this time it appears the CR 510/Red Road/Sleepy Hollow alternative that we describe in our alternatives analysis would have 18.3 acres of wetland impact, as Mr. Iwanicki had previously reported in May of 2012.

(The 23.19 acres of impact that was incorrectly reported by us was a vestige estimate from a previous version of another CR 510/Red Road/Sleepy Hollow alternate route that was considered and dismissed in April 2012 by our project team, and is shown on the attached graphic. As you will note on the attached graphic, the current estimate of that route is 21.24 acres of wetland impact. However, for your comparison purposes of an LEDPA, the appropriate wetland impact number of the CR 510/Red Road/Sleepy Hollow route described in the permit application documents remains approximately 18.3 acres.)

We apologize for the inconvenience this error on our part may have caused, and look forward to officially correcting this matter as soon as possible. Please contact me at your earliest convenience if you have any questions regarding our reporting error on this matter.

Jeff



Figure A - Red Road Routes Evaluated 07-18-12.pdf



Corps Copperwood Comments Melanie Haveman to: jking

08/07/2012 07:25 AM









Corps Comment Letter re Orvana 20 Jul 2012.pdf Bad River Band letter.pdf GLIFWC letter.pdf KBIC letter.pdf



CR 595 Letter

James Iwanicki to: Melanie Haveman

C: "Chuck Wolverton", "Jeff King", "'Meier, John \(KEMC-TEMP\)",

Susan Hedman, Tinka Hyde, "Steve Casey"

History:

This message has been forwarded.

Hi Melanie

Please see the attached letter.

If you have any questions please give Jeff king a call.

Thank You

Jim

James M Iwanicki, P.E. **Engineer Manager** Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



EPA Haveman letter Aug 12, 2012.pdf

08/13/2012 12:12 PM



Fw: CR 595 Letter

Melanie Haveman to: Jeff King

08/14/2012 11:08 AM

Jeff,

I received this letter. Would you be able to compile the references listed in the letter so that all of the agencies have them in one place? Feel free to call me if you have any questions.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

----- Forwarded by Melanie Haveman/R5/USEPA/US on 08/14/2012 11:06 AM -----

From: "James Iwanicki" <jiwanicki@marqroad.org>
To: Melanie Haveman/R5/USEPA/US@EPA,

Cc: "Chuck Wolverton" <cwolverton@king-macgregor.com>, "Jeff King" <jking@king-macgregor.com>,

"Meier, John \(KEMC-TEMP\)" < John.Meier@riotinto.com>, Susan

Hedman/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA, "Steve Casey"

<CASEYS@michigan.gov>

Date: 08/13/2012 12:12 PM

Subject: CR 595 Letter

Hi Melanie

Please see the attached letter.

If you have any questions please give Jeff king a call.

Thank You

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



EPA Haveman letter Aug 12, 2012.pdf



CR 595 Response to DEQ Aug 13 2012 Letter

James Iwanicki to: Steve Casey, Virginia Pennala, Melanie Haveman

Cc: "Chuck Wolverton", "Jeff King", "'Meier, John \(KEMC-TEMP\)""

08/16/2012 04:43 PM

Hi Steve

Attached is our response to You Aug 13, 2012 Letter.

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



Aug 16 2012 CR 595 Letter to Casey.pdf



Attachment Methods for MNFI natural community type identification 8-16-12.pdf



CR 595 Comments in Response to Public Hearing

Jeff King to: Melanie Haveman Cc: jiwanicki, "Chuck Wolverton"

Please respond to jking

History: This message has been replied to.

Melanie –

As agents for the Marquette County Road Commission, we would like to receive, if possible, all written comments submitted to the EPA as a result of your August 28 public hearing.

Could you please arrange for us to receive those comments, or otherwise direct me to the appropriate person to whom I should be directing this question/request?

Thank you.

Jeff King King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com

09/13/2012 01:18 PM



RE: CR 595 Comments in Response to Public Hearing

Jeff King to: Melanie Haveman Cc: jiwanicki, cwolverton

Please respond to jking

Thank you.

Jeff

From: Melanie Haveman [mailto:Haveman.Melanie@epamail.epa.gov]

Sent: Friday, September 14, 2012 9:33 AM

To: jking@king-macgregor.com

Subject: Re: CR 595 Comments in Response to Public Hearing

I think we can make copies and send them to you. It might take some time though. I will look into it further and get back to you.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

From: "Jeff King" <jking@king-macgregor.com>
To: Melanie Haveman/R5/USEPA/US@EPA,
Cc: <jiwanicki@marqroad.org>, "'Chuck Wolverton'" <

cwolverton@king-macgregor.com>
Date: 09/13/2012 01:18 PM

Subject: CR 595 Comments in Response to Public Hearing

Melanie -

As agents for the Marquette County Road Commission, we would like to receive, if possible, all written comments submitted to the EPA as a result of your August 28 public hearing.

Could you please arrange for us to receive those comments, or otherwise direct me to the appropriate person to whom I should be directing this question/request?

Thank you.

09/14/2012 09:24 AM

Jeff King
King & MacGregor Environmental, Inc.
2520 Woodmeadow Drive SE
Grand Rapids, MI 49546
(616) 957-1231 - Office
(248) 207-6996 - Cell

www.king-macgregor.com



CR 595

James Iwanicki to: Steve Casey

"Virginia Pennala", Melanie Haveman, "Jeff King", "Chuck

Wolverton", "'Meier, John \(KEMC-TEMP\)"

History:

This message has been forwarded.

Hi Steve

Attached is response to DEQ September 4, 2012 letter.

Have a good weekend.

Jim

James M Iwanicki, P.E. **Engineer Manager** Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200





CR 595 Casey letter Sept 14 2014.pdf CR 595 Wetland Impacts 09-13-12.pdf



Excerpt from Geometric Design of Highways and Streets on Climbing and Passing Lanes.pdf



Establishing_Realistic_Speedlimits_85625_7.pdf



CR 595 Plan and Profile Drawings 09-13-12.pdf

09/14/2012 11:45 AM



CR 595 Mitigation Michigamme Twp letter of Support

James Iwanicki to: Steve Casey

"Virginia Pennala", Melanie Haveman, "Jeff King", "Chuck
Cc: Wolverton", "'Meier, John \(KEMC-TEMP\)", "Debbie Pellow",
"'Darryll Sundberg", "'Dave Hall", "'Joe Valente", "'Neil Anderson",

09/14/2012 12:30 PM

Hi Steve

Attached is a letter of supporting the Wetland preservation plan from Michigamme Township.

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



Michigamme Twp Letter of Support wetland Mitigation Sept 2012.pdf



Tentative Agenda Items for Monday, September 17, 2012 3:00 p.m. Meeting

Jeff King to: 'Casey, Steve \(DEQ\)', 'Pennala, Virginia \(DEQ\)', Melanie Haveman

09/14/2012 02:36 PM

"'Meier, John \(RT-EAGLE-Contractor\)", jiwanicki, cwolverton, Cc: ktrevillian, mmacgregor, "'Rhodea, Paul \(TI\)", "'Johnson, Matt \(KEMC\)", "'Henkelman, Denton \(TI\)", Brian.D.Addicks, "'Adam Please respond to jking

History:

This message has been forwarded.

Ginny & Steve -

We would propose the following agenda for our meeting in your office on Monday September 17 at 3:00 p.m. I understand Melanie will be calling in, so copying her on this email, too. We expect that attending on behalf of the applicant will be Kevin Trevillian of Coleman Engineering, John Meier and me. If you could provide a way for Matt MacGregor to call-in at the same time, we would appreciate that, too.

If you would like to add, delete or otherwise change the topics below, or the order in which we discuss them, feel free – either in response to this email or at our meeting no problem. We just wanted to get the main topics for consideration in front of everyone:

- Introductions
- MCRC 9/14/12 response to DEQ 9/4/12 letter –
 Road speed and design; modified passing lanes;
 related/revised wetland impact numbers
- Wetland Mitigation/Preservation Area proposal Wetlands; upland buffer areas; logging opportunities; subsurface (mineral) rights; McCormick Wilderness/Craig Lake State Park mineral rights.
- Discussion of Draft Conditions for DEQ Permit
- Wolf Lake Road South v CR FY Alternative
- Review "Plan & Profile" Drawings
- Timing of Submittal of Cross-Sections and other Drawing (Completed Permit Application) Details
- Timing of DEQ Review and EPA Public Hearing Completion



CR 595 Written Comments in Response to EPA Public Hearing

Jeff King to: Melanie Haveman

09/18/2012 01:03 PM

Peter Swenson, "'Casey, Steve \(DEQ\)", "'Pennala, Virginia
Cc: \(DEQ\)", OKEEFEC, "'Meier, John \(RT-EAGLE-Contractor\)",
jiwanicki, "'Rhodea, Paul \(TI\)", mmacgregor, cwolverton, ktrevillian

Please respond to jking

History: This message has been replied to.

Melanie -

In light of our telephone conversation yesterday and our short follow-up call today, I would like to modify our September 13, 2012 request (see below) for receipt of "all written comments" with regard to your August 28 hearing on CR 595. In the interest of time and understanding your workload with respect to review of this permit application, please consider this revised request for our receipt of only those written comments provided by Native American organizations (not individual Native Americans commenting with personal opinions) in response to your CR 595 Public Hearing.

If you would like further clarification with respect to this request, please contact me at your convenience.

Thank you for your consideration.

Jeff

From: Melanie Haveman [mailto:Haveman.Melanie@epamail.epa.gov]

Sent: Friday, September 14, 2012 9:33 AM

To: jking@king-macgregor.com

Subject: Re: CR 595 Comments in Response to Public Hearing

I think we can make copies and send them to you. It might take some time though. I will look into it further and get back to you.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

From: "Jeff King" <jking@king-macgregor.com>
To: Melanie Haveman/R5/USEPA/US@EPA,
Cc: <jiwanicki@marqroad.org>, "'Chuck Wolverton'" <

cwolverton@king-macgregor.com>

Date: 09/13/2012 01:18 PM

Subject: CR 595 Comments in Response to Public Hearing

Melanie -

As agents for the Marquette County Road Commission, we would like to receive, if possible, all written comments submitted to the EPA as a result of your August 28 public hearing.

Could you please arrange for us to receive those comments, or otherwise direct me to the appropriate person to whom I should be directing this question/request?

Thank you.

Jeff King

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



CR 595 Plan and Profile White Sheet

Adam Olson to: caseys@michigan.gov, Melanie Haveman, PENNALAV@michigan.gov

"Meier, John (RT-EAGLE-Contractor)", Chuck Wolverton,
Cc: "jking@king-macgregor.com" , "Rhodea, Paul (TI)", Kevin
Trevillian, "Brian.D.Addicks@fluor.com"

09/19/2012 12:11 PM

Steve,

Attached is the White Sheet for CR 595 Plan and Profile Drawings.

Adam

Adam Olson | Project Engineer 635 Circle Drive | Iron Mountain, MI 49801

*****: 906.774.3440 | **\B**: 906.774.7776



County Road 595 Plan and Profile Drawings WHITE SHEET 09-13-12.docx



CR 595 Stream Crossings

Adam Olson to: caseys@michigan.gov, Melanie Haveman, PENNALAV@michigan.gov

"Meier, John (RT-EAGLE-Contractor)", Chuck Wolverton,
Cc: "jking@king-macgregor.com", "'Rhodea, Paul (TI)", Kevin
Trevillian, "Brian.D.Addicks@fluor.com"

Steve,

Attached are the Stream Crossing Drawings, the Stream Crossing Summary, and the Stream Crossing White Sheet.

Adam

Adam Olson | Project Engineer 635 Circle Drive | Iron Mountain, MI 49801

2: 906.774.3440 | **3**: 906.774.7776



CR 595 Stream Crossing Summary 09-14-12.pdf



County Road 595 Stream Crossing WHITE SHEET 09-14-12.docx



CR 595 Stream Crossing Drawings 09-14-12.pdf

09/19/2012 12:18 PM



CR 595 Wetland Cross Sections (Email 1 of 2)

Adam Olson to: caseys@michigan.gov, Melanie Haveman, PENNALAV@michigan.gov

"Meier, John (RT-EAGLE-Contractor)", Chuck Wolverton,
Cc: "jking@king-macgregor.com", "'Rhodea, Paul (TI)", Kevin
Trevillian, "Brian.D.Addicks@fluor.com"

09/19/2012 02:11 PM

Steve,

Attached is the White Sheet for the Wetland Cross Sections, the Wetland Cross Section Summary, and the first half of the Wetland Cross Section Drawings. The second half of the Wetland Cross Section Drawings will be sent in the next email.

Adam

Adam Olson | Project Engineer 635 Circle Drive | Iron Mountain, MI 49801

2: 906.774.3440 | **3**: 906.774.7776



County Road 595 Wetland Cross Sections WHITE SHEET 09-14-12.docx



CR 595 Wetland Cross Section Summary 09-14-12.pdf



CR 595 Wetland Cross Sections 09-14-12a.pdf



CR 595 Wetland Cross Sections (Email 2 of 2)

Adam Olson to: caseys@michigan.gov, Melanie Haveman, PENNALAV@michigan.gov

"Meier, John (RT-EAGLE-Contractor)", Chuck Wolverton,

Cc: "jking@king-macgregor.com" , Kevin Trevillian ,

"Brian.D.Addicks@fluor.com"

Steve,

Attached is the second half of the Wetland Cross Section Drawings.

Adam

Adam Olson | Project Engineer 635 Circle Drive | Iron Mountain, MI 49801

1: 906.774.3440 | **3**: 906.774.7776



CR 595 Wetland Cross Sections 09-14-12b.pdf

09/19/2012 02:15 PM



Re: CR 595 Written Comments in Response to EPA Public Hearing

Melanie Haveman to: jking

09/19/2012 02:47 PM

"'Casey, Steve \(DEQ\)"', cwolverton, jiwanicki, "'Meier, John Cc: \(RT-EAGLE-Contractor\)"', ktrevillian, mmacgregor, OKEEFEC, "'Rhodea, Paul \(TI\)"', "'Pennala, Virginia \(DEQ\)"', Peter Swenson

Jeff.

Attached are the documents in response to your request.





cr595 comment_GLIFWC .pdf 120904_KBIC to EPA R5_CR595 comments.pdf



GLIFWC_Woodland_CR595_2012-04-13.pdf Thank you, Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

"Jeff King" Melanie - 09/18/2012 01:03:34 PM

From: "Jeff King" < jking@king-macgregor.com>
To: Melanie Haveman/R5/USEPA/US@EPA,

Cc: Peter Swenson/R5/USEPA/US@EPA, "'Casey, Steve \(DEQ\\)"' <CASEYS@michigan.gov>, "'Pennala, Virginia \(DEQ\\)"' <PENNALAV@michigan.gov>, <OKEEFEC@michigan.gov>, "Meier,

<cwolverton@king-macgregor.com>, <ktrevillian@coleman-engineering.com>

Date: 09/18/2012 01:03 PM

Subject: CR 595 Written Comments in Response to EPA Public Hearing

Melanie -

In light of our telephone conversation yesterday and our short follow-up call today, I would like to modify our September 13, 2012 request (see below) for receipt of "all written comments" with regard to your August 28 hearing on CR 595. In the interest of time and understanding your workload with respect to review of this permit application, please consider this revised request for our receipt of *only those written comments provided by Native American organizations* (not individual Native Americans commenting with personal opinions) in response to your CR 595 Public Hearing.

If you would like further clarification with respect to this request, please contact me at your convenience.

Thank you for your consideration.

Jeff

From: Melanie Haveman [mailto:Haveman.Melanie@epamail.epa.gov]

Sent: Friday, September 14, 2012 9:33 AM

To: jking@king-macgregor.com

Subject: Re: CR 595 Comments in Response to Public Hearing

I think we can make copies and send them to you. It might take some time though. I will look into it further and get back to you.

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

From: "Jeff King" < jking@king-macgregor.com > To: Melanie Haveman/R5/USEPA/US@EPA,

Cc: <<u>iiwanicki@marqroad.org</u>>, "'Chuck Wolverton'" <<u>cwolverton@king-macgregor.com</u>>

Date: 09/13/2012 01:18 PM

Subject: CR 595 Comments in Response to Public Hearing

Melanie -

As agents for the Marquette County Road Commission, we would like to receive, if possible, all written comments submitted to the EPA as a result of your August 28 public hearing.

Could you please arrange for us to receive those comments, or otherwise direct me to the appropriate person to whom I should be directing this question/request?

Thank you.

Jeff King

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



preservation area forestry information

Jeff King to: Melanie Haveman

C: "Casey, Steve \(DEQ\)", "'Pennala, Virginia \(DEQ\)", "'Wolverton, Chuck'", jiwanicki, "'Meier, John \(RT-EAGLE-Contractor\)"

Please respond to jking

We are about to send you (via overnight mail) the forestry graphic information that we gave to Ginny and Steve earlier this week. It is only being provided in the interest of giving you the benefit of what we showed the DEQ, as at this point we have decided that the preservation areas will not be disturbed beyond those management activities (e.g. invasive species control) required as a condition of any issued DEQ permit.

Jeff

09/20/2012 02:00 PM



more tribal comments

Melanie Haveman to: Jeff King

09/24/2012 01:52 PM

Jeff,

Attached are some additional tribal organization comments that are responsive to your request. I forgot to attach them to your initial request.



Chippewa Ottawa Resource Authority.pdf Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255



CR 595 - Tribal Authority and Considerations

Jeff King to: Melanie Haveman

"'Casey, Steve \(DEQ\)", "'Pennala, Virginia \(DEQ\)", "'Meier, John Cc: \(RT-EAGLE-Contractor\)", "'Matt MacGregor", "'Chuck Wolverton", "Rhodea, Paul \(TI\)", jiwanicki

Please respond to jking

Melanie -

We understand that in response to the EPA public hearing, the EPA is in receipt of several comments from Native American organizations regarding the proposed CR 595. To the extent that our assessment of the legal rights of those Native Americans is relevant to the EPA on-going hearing process, we thought we would offer the following information:

The proposed County Road 595 will be located primarily on lands ceded to the United States by the Chippewa under the 1842 Treaty of LaPointe. The 1842 Treaty ceded territory basically includes the western part of the Upper Peninsula (west of Marguette) as well as northeastern Wisconsin. The Michigan tribes with usufruct rights under the 1842 Treaty are the Keweenaw Bay Indian Community and the Lac Vieux Desert Lake Superior Band of Chippewa Indians.

> NOTE: It appears as though a small portion of the proposed road may also run through the ceded territory of five Michigan tribes in the eastern Upper Peninsula and the northern Lower Peninsula under the 1836 Treaty of Washington. Those tribes are the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, and the Little Traverse Bay Bands of Odawa Indians. In 2007, the 1836 Treaty tribes entered into a Consent Decree with the State of Michigan and the United States regarding the scope of the treaty rights inland. Generally speaking, the usufruct rights provided under the 1836 Treaty are similar to those provided under the 1842 Treaty.

Courts have said that while the 1842 Treaty effectively extinguished any aboriginal title or treaty-recognized title the Lake Superior Chippewa had formerly held over the land, the Chippewa retained the right to hunt, fish, and gather in the ceded territory except on those portions that are privately owned and not otherwise made available to the public for use (e.g. private property enrolled in the Commercial Forest Act program is generally subject to treaty rights). Further, the 1842 Treaty does not give the Chippewa exclusive use of the resources 09/28/2012 04:17 PM

on the ceded lands. Instead, tribes hold the rights in common with non-Indians. As one court has noted, "The Chippewa did not reserve an exclusive right, but understood that they would be exercising their rights of hunting, fishing and gathering, and other usual privileges of occupancy, in common with the miners, loggers and soldiers who were settling in the territory."

The proposed road will not significantly impact or impair the ability of the tribes to hunt, fish, and gather in the 1842 Treaty ceded territory (or the 1836 Treaty ceded territory, for that matter). The Marquette County Road Commission has provided substantial information as part of the pending permit application regarding CR 595's impact on wetlands and water resources, as well as plant and animal species. The Road Commission has also proposed substantial mitigation of any potential impacts on such resources. With the proposed mitigation being taken into consideration, CR 595's impacts on wetlands and water resources, plant species, and animal species will be minimal. Consequently, any impacts on tribal treaty rights will also be minimal. The ceded territory includes a vast amount of land; the resources located where CR 595 is proposed could be readily harvested elsewhere. In fact, the proposed CR 595 will make it easier for tribal and non-tribal members to hunt, fish, and gather in the areas in the vicinity of the road.

Thank you for your consideration of this email as part of your permit application review.

Jeff



CR 595 Mitigation Task List for MDEQ Meeting Today

Jeff King to: Melanie Haveman

"'Casey, Steve \(DEQ\)", "'Pennala, Virginia \(DEQ\)", "'Matt
Cc: MacGregor", "'Chuck Wolverton", "'Rhodea, Paul \(TI\)", "'Meier,
John \(RT-EAGLE-Contractor\)", jiwanicki

Please respond to jking

History: This message has been forwarded.

Melanie –

Assuming we (you, too) are able to get time to talk about CR 595 after we complete our Orvana Copperwood discussions, we are hoping to discuss the attachment with DEQ this afternoon and I thought it would be good for you to see what we might be talking about. They have not seen it yet and I'm guessing probably won't have time before our meeting. It is intended as a draft to encourage discussion only. Thanks.



Jeff Wetland Mitigation Task List.docx

10/03/2012 10:10 AM



CR 595 - Preservation Areas

Jeff King to: Melanie Haveman jenking, "'Casey, Steve \(DEQ\)", "'Pennala, Virginia \(DEQ\)", Cc: "'Meier, John \(RT-EAGLE-Contractor\)", "'Rhodea, Paul \(TI\)", "'Chuck Wolverton", mmacgregor

Please respond to jking

Melanie -

Pursuant to your request, below is a recent communication from Joel Enking of the Forest Service relating to the potential of their agency eventually taking over the preservation area as owner/steward.

Jeff

From: Enking, Joel W -FS [mailto:jenking@fs.fed.us]

Sent: Monday, October 01, 2012 5:16 PM

To: jking@king-macgregor.com

Subject: RE: CR 595 - Preservation Areas

Hi Jeff,

My Legal Instruments Examiner just got back from a fire assignment out west and we were talking about the potential preservation area donation. She would be the one to order the information from a title company that we would review for issues that would allow or preclude us from acquiring the parcels. She said it would be best if we ordered the information and did a collection agreement with the mining company (Rio Tinto?) as they would be the ones doing the purchase. It has to do with the way title companies work and how they get payment for the work they do. If we order it but do not buy it in the end then they have done the work for free.

If they would be willing to do that (or maybe they already have and we could get it) we would need:

A Mineral Search (going back 40 years)

A Title Search

A Preliminary Title Commitment

If you or the company has already requested these we can use them for our preliminary title review.

And a couple more FYI's,

- This all goes a lot smoother if the surface estate and the mineral estate are not separated and the federal government gets the entire estate.
- We would have to request the creation of a purchase unit boundary in order to actually acquire it. That takes a

10/04/2012 10:18 AM

congressional approval and we would start that process if we were pretty serious about us acquiring the parcels.

Let me know how you want to proceed with this or if you have questions.

Joel

Joel Enking Lands and Minerals Program Manager Ottawa National Forest Ironwood, Michigan ph: 906-932-1330 ext. 334 email: jenking@fs.fed.us

From: Jeff King [mailto:jking@king-macgregor.com] Sent: Thursday, September 13, 2012 10:33 AM

To: Enking, Joel W -FS

Subject: RE: CR 595 - Preservation Areas

Hey Joel -

Welcome back to "civilization", at least U.P. style. Coincidentally, I was thinking of calling you today or tomorrow, as we have a couple meetings on the topic next week in Gwinn with DEQ (and EPA via conference call) on Monday and Wednesday, as well as a site visit planned to the proposed preservation areas with DEQ on Tuesday.

Would you have time to talk this afternoon? Anytime is good for me, at least for now, so if you could pick a time, or just call me at your convenience, I would appreciate the opportunity. Thank you.

Jeff King

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com

From: Enking, Joel W -FS [mailto:jenking@fs.fed.us] Sent: Thursday, September 13, 2012 11:19 AM

To: jking@king-macgregor.com

Subject: RE: CR 595 - Preservation Areas

Jeff,

Just wanted to drop a note and let you know that we have not forgotten about your proposal. We are still looking in to there is a way that we can acquire lands outside our proclamation boundary and what the interest is in it.

I will keep you posted when I hear anything. In the meantime if you have any questions for me please call.

Joel

Joel Enking
Lands and Minerals Program Manager
Ottawa National Forest
Ironwood, Michigan
ph: 906-932-1330 ext. 334
email: jenking@fs.fed.us

From: Jeff King [mailto:jking@king-macgregor.com]

Sent: Wednesday, August 08, 2012 3:09 PM

To: Enking, Joel W -FS

Subject: FW: CR 595 - Preservation Areas

Jeff King

King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com

From: Chuck Wolverton [mailto:cwolverton@king-macgregor.com]

Sent: Wednesday, August 08, 2012 3:54 PM

To: jking@king-macgregor.com

Subject: FW: CR 595 - Preservation Areas Map for Landowner Review

From: Jon Alderton [mailto:jalderton@coleman-engineering.com]

Sent: Tuesday, July 31, 2012 11:57 AM

To: Meier, John (KEMC-TEMP); Chuck Wolverton (

cwolverton@king-macgregor.com); Brian.D.Addicks@fluor.com; Rhodea,

Paul (TI)

Cc: Adam Olson; Kevin Trevillian; Gary Hoaglund

Subject: RE: CR 595 - Preservation Areas Map for Landowner Review

John,

Attached is the requested map of the Dishno Cr. Headwaters Preservation Area. It is printable at 11x17", has a mile or so buffer around the area, and has landowners non-abbreviated.

Please let us know of any changes.

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

This Email message contained an attachment named

image001.jpg which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

****** ATTACHMENT NOT DELIVERED *************



CR 595 Mitigation Task List

Jeff King to: 'Casey, Steve \(DEQ\)'
Melanie Haveman, "'Pennala, Virginia \(DEQ\)"', jiwanicki, "'Chuck
Cc: Wolverton'", "'Meier, John \(RT-EAGLE-Contractor\)"', "'Rhodea, Paul \(TI\)""

Please respond to jking

Steve -

Pursuant to our telephone conversation, attached please find a "CR 595 Wetland Mitigation Task List" that we presented during our meeting in your office on October 3. At this point it would be helpful for us to have a response/reaction from the DEQ and EPA to the concepts that are outlined in that document. One of the more important concepts to us is the plan for Michigamme Township to be the steward of the Preservation Areas, with assistance from MCRC and the Marquette County Conservation District.

Thank you for your consideration.



Jeff Wetland Mitigation Task List.docx

10/16/2012 12:53 PM



Severed Mineral Rights on Public Conservation Easement Areas

Jeff King to: 'Casey, Steve \(DEQ\)'

10/23/2012 04:03 PM

"'Pennala, Virginia \(DEQ\)"', Melanie Haveman, "'Larsen, Bill \(DEQ\)"', "'Losee, Todd \(DEQ\)"', jiwanicki, "'Chuck Wolverton", "'Matt MacGregor \(Matt MacGregor\)"', "'Rhodea, Paul \(TI\)"',

Please respond to jking

Steve -

As the agent for MCRC on the CR 595 permit application, and with respect to the fact that MCRC is proposing to offer a public conservation easement on substantial acreage in Marquette County as compensatory mitigation for the wetland impacts associated with its County Road 595 project, I understand there is a question as to whether split mineral title on the acreage proposed for preservation would materially impair the preservation value of a public conservation easement placed on these lands. Given that fact that northern Michigan has a long history of mineral development, it is typical that there would be tracts within a proposed public easement area where ownership of subsurface minerals would be severed from the surface ownership. I understand, in looking into this issue, that this "split mineral title" situation is especially common in the Upper Peninsula: it would be virtually impossible for the MCRC or any other entity to obtain unified surface and mineral title to large tracts of land in the area. It would seem to me to not be reasonable to condition a public conservation easement approach to mitigation on obtaining such title, thereby severely limiting the opportunity to mitigate in such a fashion, particularly in areas where restoration and/or creation of wetlands is not a feasible (or even desirable from an agency perspective, as we have heard on this project) alternative.

The purpose of this email is to explain why we believe that split mineral rights do not in and of themselves constitute a reason why a proposed preservation area should not be given full consideration as adequate mitigation for impacted aquatic resources. We believe such mitigation is appropriate and desirable if all of the legal and practical considerations that are associated with mineral exploration and development on or near property subject to a public conservation easement are taken into account.

Public conservation easements restricting surface development are a powerful wetland protection/mitigation tool — even on property with split mineral title. As a practical matter, surface owner development in wetland areas is a much more direct and substantial threat to wetlands than the far more speculative impacts associated with mineral exploration and mining. The odds of any given property or package of properties actually overlying an exploration-worthy resource is very

low, and the odds of an exploration resource turning into a minable resource are lower still. And in the CR 595 case, surface owner development would be strictly prohibited by the public conservation easement.

Any exploration (and mining) activity on encumbered lands would have to comply with all environmental protection laws designed to protect natural features like wetlands, as well as Michigan common law restrictions on the amount of disturbance a mineral owner can make on surface property encumbered by a public conservation easement.

Any mineral title holder contemplating invasive exploration activities (i.e., test hole drilling) will have to comply with Part 625 of NREPA, which sets forth the requirements for "mineral wells." My understanding is that Part 625 requires that a mineral owner obtain a permit from MDEQ before drilling exploratory test holes. In addition, this type of drilling activity is subject to Parts 301 and 303 to the extent any aspect of it impacts wetlands or streams. Therefore, this type of drilling activity would not result in a net loss of wetlands, even if wetlands were permitted to be impacted. Further, as the public conservation easement holder, MDEQ would be participating in the permitting processes as an interested owner, not simply as a regulatory authority. The enhanced MDEQ oversight associated with a public conservation easement and accompanying application of existing regulations would provide a mineral title holder with a powerful incentive to avoid the public conservation easement area.

In the even more unlikely event that exploration activity on property covered by a public conservation easement identifies an economic deposit of minerals justifying a mine, the development of the project would require another array of environmental permits. In particular, metallic mining, other than iron ore, requires a permit under Part 632. It is my understanding that Part 632 requires, among other things, a comprehensive assessment of potential environmental impacts of the mining proposal, including wetland impacts. As in the case of exploration, Parts 301 and 303 would also apply to any mining project, adding a further layer of protection for the public conservation easement and its functions and values.

In addition to these regulatory protections, it is my further understanding that Michigan common law offers protections with respect to allowable surface impacts of a mineral title owner's activities. I understand that mineral owners may exercise their rights to access their minerals for purposes of exploration and removal through the surface estate, but only so long as (1) that access is limited to particular and small parcels of the surface, (2) the surface estate is used only as needed, and (3) the mineral rights owner or lessee acts

reasonably to otherwise minimize interference with the rights of the surface holder, including continuing to provide subjacent support to the surface. Again as a practical matter, it would appear that the common law limits on surface use could be applied by the public conservation easement holder (i.e. the State of Michigan) to effectively require that the mineral owners first use any portions of the land not occupied by the public conservation easement before using those portions of the land within the public conservation easement.

It would seem to be that because split mineral title is common in northern Michigan, some risk of potential impairment of a public conservation easement restricting surface uses to preserve wetlands and adjacent upland is going to be inevitable in almost all instances where such mitigation is proposed. But it is also likely this risk is minimal. For example, both the state and federal government have come to this conclusion on numerous occasions, including the nearby Craig Lake State Park and the McCormick Wilderness where severed mineral rights exist. Considering the legal and practical incentives to avoid impacts on encumbered land, split title would seem to pose little risk to the natural resources subject to a public conservation easement.

Jeff



FYI: DNR, DOARD, DOT letter Melanie Haveman to: Jeff King Cc: PENNALAV

10/25/2012 08:43 AM

Melanie Haveman U.S. EPA (ww-16j) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

---- Forwarded by Melanie Haveman/R5/USEPA/US on 10/25/2012 08:40 AM -----

From: R5-16-15@epa.gov

To: Melanie Haveman/R5/USEPA/US@EPA,

Date: 10/25/2012 08:36 AM Subject: Message from "R5-16-15"

This E-mail was sent from "R5-16-15" (Aficio MP 6001).

Scan Date: 10.25.2012 08:30:17 (-0500)

PDF

Queries to: R5-16-15@epa.gov $201210250\overline{830}18093.pdf$



CR 595 Draft Wetland Mitigation Plan

Jeff King to: 'Casey, Steve \(DEQ\)', 'Pennala, Virginia \(DEQ\)'
Melanie Haveman, "'Meier, John \(RT-EAGLE-Contractor\)"',
Co: "'Rhodea, Paul \(TI\)"', "'Matt MacGregor'", cwolverton, jiwanicki, ktrevillian. "'Fulcher, Jerry \(DEQ\)". "'Larsen, Bill \(DEQ\)". "'Losee

ktrevillian, "'Fulcher, Jerry \(DEQ\)'", "'Larsen, Bill \(DEQ\)'", "'Losee, Please respond to jking

Please respond to jking

History: This message has been forwarded.

Ginny/Steve -

Please find attached for your review a revised draft Wetland Mitigation Plan for the CR 595 project. This draft plan includes a preliminary baseline assessment, short and long term management plans, invasive species monitoring plan, and a draft cooperative stewardship agreement.

We are available to meet next week to review the attached plan and to answer any questions that you might have. Thank you for your consideration.



Jeff CR 595 Revised Wet Mit Plan 10-31-12.pdf.pdf

10/31/2012 04:29 PM



Re: Copperwood Response to Clarify



Melanie Haveman to: jking Cc: Robert.D.Deroche, Chris Mensing

11/14/2012 10:27 AM

Jeff.

The attachments arrived safely. I am also forwarding them to FWS and USACE in case they are interested.

Melanie Haveman U.S. EPA (ww-16i) 77 W. Jackson Blvd Chicago, Illinois 60604 312-886-2255

| "Jeff King" | Steve/Jim - | 11/13/2012 07:10:09 PM |
|---------------------|--|---|
| From: To: Cc: | "Jeff King" <jking@king-macgregor.com> "Casey, Steve \(DEQ\)" <caseys@michigan.gov>, <ca "okeefe,="" "pennala,="" <jjacques@orvana.com="" <pennalav@michigan.go="" \(deq\)"="" colle="" haveman="" jacques"="" melanie="" r5="" us@epa,="" usepa="" virginia="">, "Garth Stengard" <g <mfoley@coleman-engineering.com="">, "Matt MacGregor "Chuck Wolverton" <cwolverton@king-macgregor.com> <wheld@king-macgregor.com>, "List, David" <david_lis <allan.blaske@aecom.com=""></david_lis></wheld@king-macgregor.com></cwolverton@king-macgregor.com></g></ca></caseys@michigan.gov></jking@king-macgregor.com> | aronj@michigan.gov>, een \(DEQ\)''' <okeefec@michigan.gov>, v>, <danderson@orvana.com>, "Jim stengard@coleman-engineering.com>, '''' <mmacgregor@king-macgregor.com>, >, "'Woody Held'''</mmacgregor@king-macgregor.com></danderson@orvana.com></okeefec@michigan.gov> |
| Date: Subject: | 11/13/2012 07:10 PM Copperwood Response to Clarify | |

Steve/Jim -

Based upon our recent telephone conversations, you had asked a number of additional questions with respect to our Friday November 9 submittal. Attached please find four sets of documents prepared in response to those questions and/or provided for project clarification so that your review of this project might continue expeditiously. The attached documents include:

- 1. A narrative point-by-point response to recent questions asked;
- 2. A summary describing our stream mitigation plan;
- 3. A set of wetland mitigation plans for creation of 14 acres of new on-site wetlands; and
- A 3-sheet set of stormwater management plans.

What we know this email and attachments are still lacking for your complete review is a revised Table 8.3 showing the TDF alternatives and related revised impacts. We are also intending on submitting to you a more thorough economic analysis of the project. We intend to get both of these documents to you by early afternoon Wednesday.

Also, you will note the four acres of wetland mitigation associated with the stream diversions are not yet designed to the detail of the 14-acre on-site wetland mitigation plans. The reason for those plans not yet being further developed is that we want to ensure that DNR Fisheries Division and your offices are ok with the type of stream(s) being proposed in these areas. Once we get a review of our channel designs, we will be able to move forward with wetland mitigation details associated with the new stream corridors.

After you have a chance to review, please call/contact me at your convenience if you have any questions or need further clarification. Thank you.

Jeff



Figure B-18_19_20.pdf.pdf Steve response draft 1113 750.pdf.pdf



Mineral Title work -CR 595 Preservation lands

Ronald Greenlee to: 'CASEYS@michigan.gov'
"'Okeefe, Colleen (DEQ)", "Pennala, Virginia (DEQ)", "Fish, Kim
Cc: (DEQ)", "Klemans, Diana (DEQ)", "Lounds, Amy (DEQ)"
"jking@king-macgregor.com", Melanie Haveman, "Bock, Daniel

12/06/2012 04:10 PM

Dear Steve,

On behalf of RT Eagle Mine LLC we have taken steps to hire a certified professional landman to obtain the state required 50 year title chains on the preservation lands so that I can review and address the criteria set forth in the DEQ document entitled "Title Opinions for Wetland Mitigation Bank Agreements" pursuant to the general format of the sample letters provided by Colleen.

The sample opinions were helpful and were both directed at oil and gas. If there are any "hard rock" mineral opinions, perhaps Colleen could provide an additional sample of such a letter if that is not too much trouble. Not critical but may be helpful.

We have a very short time frame during a very busy season to get this task done and will do our best.

Ron

at no cost to you.

Ronald E. Greenlee KENDRICKS, BORDEAU, ADAMINI, CHILMAN & GREENLEE, P.C. 128 W. Spring Street Marquette, MI 49855 906-226-2543 906-226-2819 (FAX) rgreenlee@kendrickslaw.com www.kendrickslaw.com Houghton Office: (906) 482-4288

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RE: CR 595 EPA Meeting.

James Iwanicki to: Tinka Hyde

"'Alison Pascale\(Levin\)", "'Berglund, Amy \(Levin\)", "'Neil
Cc: Anderson", "'Steve Casey", "'Alysha Chadderdon, \(GOV DC\)",
"'Chuck Wolverton", "'Dan Blough \(Benishek\)", "'Doug Messana

Dan, Steve and Ginny

Would you please set up a meeting with the EPA they do not want to deal with the Road Commission directly. We have already wasted 1/3 of the time we have to overcome EPA objections.

When you talk to them could you please have them "identify the decision maker for the EPA and if that person or persons would be available through the holidays." The EPA decision makers need to be at the "table so we can have a clear understanding of what it will take to remove the objections before January 3, 2013. We would also like them to be able to tell us at the table if what we are submitting will be acceptable so we are not wasting anybody's time."

Thank you.

Jim i

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov]

Sent: Thursday, December 13, 2012 3:35 PM

To: James Iwanicki

Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Steve Casey; Alysha Chadderdon, (GOV DC); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Jerry Fulcher; Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow); Haveman.Melanie@epamail.epa.gov; Marty Fittante; Lane, Michelle; Nyberg, David (GOV); Paul Rhodea; Virginia Pennala; 'Russ Williams'; Scott Erbisch; Hedman.Susan@epamail.epa.gov; Zak Tomich (Snyder DC); 'Joe Valente'; Stacy Welling; WyantD@michigan.gov

Subject: Re: CR 595 EPA Meeting.

12/13/2012 04:56 PM

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Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

"James Iwanicki" ---12/13/2012 08:01:58 AM---Hi Tinka

From: "James Iwanicki" <jiwanicki@marqroad.org> To: Tinka Hvde/R5/USEPA/US@EPA. Cc: "Alison Pascale\(Levin\)" < Alison_Pascale@levin.senate.gov>, "Alysha Chadderdon, \(GOV DC\)" <chadderdona@michigan.gov>, "Berglund, Amy \(Levin\)" < Amy_Berglund@levin.senate.gov>, "Chuck Wolverton" <cwolverton@king-macgregor.com >, "WyantD@michigan. gov" <WyantD@michigan.gov>, "Dan Blough \(Benishek\)" < Daniel.Blough@mail.house.gov>, "Nyberg, David \(GOV\)" <nybergd@michigan.gov>, "Debbie Pellow" <iawwts@sbcglobal.net>, "Doug Messana \(Stabenow\)" < doug_messana@stabenow.senate.gov>, Elissa Speizman/R5/USEPA/US@EPA, Felicia Williams/R5/USEPA/US@EPA, "Hosking, Jeremy \(Stabenow\)" < Jeremy_Hosking@stabenow.senate.gov>, "Jerry Fulcher" <FULCHERG@michigan.gov>, "'Meier, John \(KEMC-TEMP\)'" < John.Meier@riotinto.com>, < katie.toskey@mail.house.gov>, "Kaye Meier \(Levin\)" <Kaye_Meier@levin.senate.gov>, "Marty Fittante" <MFittante@senate.michigan.gov>, "VanKuiken, Matt \(Stabenow\)" < Matt_VanKuiken@stabenow.senate.gov>, Melanie Haveman/R5/USEPA/US@EPA, "Lane, Michelle" < Michelle. Lane@mail.house.gov >, "Paul Rhodea" < Paul.Rhodea@riotinto.com>, "Scott Erbisch" <SErbisch@mqtco.org>, "Steve Casey" < Susan Hedman/R5/USEPA/US@EPA, "Darryll Sundberg" <dsund1971@msn.com>, "Dave Hall" <dshall@pasty.net>, "Joe Valente" <valentejoe@charter.net>, "Neil Anderson'" < Anderson. Neil@Charter.net>, "'Russ Williams'" < russ1415@hotmail.com> Date: 12/13/2012 08:01 AM Subject: CR 595 EPA Meeting.

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Hope to hear from you very soon.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



James Iwanicki to: Tinka Hyde

"'Alison Pascale\(Levin\)", "'Berglund, Amy \(Levin\)", "'Neil
Cc: Anderson", "'Steve Casey", "'Alysha Chadderdon, \(GOV DC\)",
"'Chuck Wolverton", "'Dan Blough \(Benishek\)", "'Doug Messana

Hi Tinka

I'm very disappointed that the EPA will not be proactive and problem solving during the last 20 days of this permit application as Director Headmen promised me in June of 2012.

I think the Road Commission request as we discussed on the phone and what I requested below in writing is reasonable and should be accommodated.

Jim I

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov]

Sent: Thursday, December 13, 2012 3:35 PM

To: James Iwanicki

Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Steve Casey; Alysha Chadderdon, (GOV DC); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Jerry Fulcher; Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow); Haveman.Melanie@epamail.epa.gov; Marty Fittante; Lane, Michelle; Nyberg, David (GOV); Paul Rhodea; Virginia Pennala; 'Russ Williams'; Scott Erbisch; Hedman.Susan@epamail.epa.gov; Zak Tomich (Snyder DC); 'Joe Valente'; Stacy Welling; WyantD@michigan. gov Subject: Re: CR 595 EPA Meeting.

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12/13/2012 05:06 PM

Tinka G. Hyde Director, Water Division U.S. EPA (W-15J)

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James Iwanicki to: 'Casey, Steve \(DEQ\)', Peter Swenson "Fulcher, Jerry \(DEQ\)", Melanie Haveman, "Pennala, Virginia Co: \(DEQ\)", "Masterson, Mike \(DEQ\)", "Creal, William \(DEQ\)", "Fish, Kim \(DEQ\)", Tinka Hyde, "Alison Pascale\(Levin\)",

12/14/2012 07:21 AM

Hi Steve

Please try to set up a meeting for today at 4:30. If EPA cannot do today it has to be Monday.

I would also like to tentatively set up a meeting for Wednesday and Friday of next week.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Casey, Steve (DEQ) [mailto:CASEYS@michigan.gov]

Sent: Friday, December 14, 2012 7:02 AM

To: Peter Swenson (Swenson.Peter@epamail.epa.gov); James Iwanicki Cc: Fulcher, Jerry (DEQ); Haveman.Melanie@epamail.epa.gov; Pennala, Virginia (DEQ); Masterson, Mike (DEQ); Creal, William (DEQ); Fish, Kim

(DEQ); Tinka Hyde (Hyde.Tinka@epamail.epa.gov)

Subject: RE: CR 595 EPA Meeting.

Peter and Jim,

How do these times (all EDT) work for you? I'm anticipating a 2 hour meeting.

Today at 4:30 PM Monday (17th) 3 PM Tuesday (18th) 4:30 PM Wednesday (19th) All Day Thursday (20th) 3 PM Friday (21st) 8 AM or Noon

I apologize for our limited availability. Ginny and I are conducting interviews to fill our two open "wetlands" positions.

STeve

From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov]

Sent: Thursday, December 13, 2012 3:35 PM

To: James Iwanicki

Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Casey, Steve (DEQ); Chadderdon, Alysha (GOV); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Fulcher, Jerry (DEQ); Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow); Haveman.Melanie@epamail.epa.gov; Marty Fittante; Lane, Michelle; Nyberg, David (GOV); Paul Rhodea; Pennala, Virginia (DEQ); 'Russ Williams'; Scott Erbisch; Hedman.Susan@epamail.epa.gov; Tomich, Zak (GOV); 'Joe Valente'; Welling, Stacy (DNR); Wyant, Dan (DEQ) Subject: Re: CR 595 EPA Meeting.

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12/14/2012 12:30 PM

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Hi Tinka.

The issue is very simple. It's been one week since we talked on the phone. I sent the email last night and at that time we still did not have a time for a meeting.

With that being said I think we have a call set for 4:30 EST but at this time I do not have a call in number.

DEQ may have the lead but what we are trying to resolve are the EPA concerns. To me, it would make sense that we should be talking directly to the EPA with the DEQ listening. Continuing to be available is very different than being "proactive and problem solving."

How is shifting everything to the DEQ responsibility being proactive on the EPA's part?

To me, problem solving takes discussion. To discuss solutions we need decision makers at the table. If EPA is not willing to tell us who is making the call on whether our plan will result in removing EPA's objections how is that being problem solving. So could you please let the Road Commission and the DEQ know who at the EPA will be making the decision on this issue and what times they are available to discuss the objections and our solutions over the next two weeks.

Jim

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From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov] Sent: Friday, December 14, 2012 1:30 PM

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12/14/2012 01:34 PM

Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; 'Jerry Fulcher'; 'Debbie Pellow'; 'Hosking, Jeremy (Stabenow)'; 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; 'Kaye Meier (Levin)'; 'VanKuiken, Matt (Stabenow)'; Haveman.Melanie@epamail.epa.gov; 'Marty Fittante'; 'Lane, Michelle'; 'Nyberg, David (GOV)'; 'Paul Rhodea'; 'Virginia Pennala'; 'Russ Williams'; 'Scott Erbisch'; Hedman.Susan@epamail.epa.gov; 'Zak Tomich (Snyder DC)'; 'Joe Valente'; 'Stacy Welling'; 'WyantD@michigan.gov' Subject: RE: CR 595 EPA Meeting.

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Tinka G. Hyde Director, Water Division U.S. EPA (W-15J) 77 W. Jackson Blvd., Chicago, IL 60604-3590 Fax: (312) 697-2562, Phone: (312) 886-9296

"James Iwanicki" ---12/13/2012 05:06:24 PM---Hi Tinka

From: "James Iwanicki" <jiwanicki@marqroad.org> To: Tinka Hyde/R5/USEPA/US@EPA, Cc: "'Alison Pascale\(Levin\)" <Alison_Pascale@levin.senate.gov>, "'Berglund, Amv \(Levin\)"" < Amy_Berglund@levin.senate.gov>, ""Neil Anderson" < Anderson.Neil@Charter.net>, "'Steve Casey"' <CASEYS@michigan.gov>, "'Alysha Chadderdon, \(GOV DC\)" < chadderdona@michigan.gov>, "Chuck Wolverton" < cwolverton@king-macgregor.com>, "'Dan Blough \(Benishek\)"' < Daniel.Blough@mail.house.gov>, "'Doug Messana \(Stabenow\)"' < doug_messana@stabenow.senate.gov>, "'Dave Hall'" <dshall@pasty.net>, "'Darryll Sundberg" <dsund1971@msn.com>, Elissa Speizman/R5/USEPA/US@EPA, Felicia Williams/R5/USEPA/US@EPA, "'Jerry Fulcher'" <FULCHERG@michigan.gov>, "'Debbie Pellow" <iawwts@sbcglobal.net>, "'Hosking, Jeremy \(Stabenow\)" < Jeremy_Hosking@stabenow.senate.gov>, "'Meier, John \(KEMC-TEMP\)" < John.Meier@riotinto.com>, <katie.toskey@mail.house.gov>, "'Kaye Meier \(Levin\)" < Kaye_Meier@levin.senate.gov>, "'VanKuiken, Matt \(Stabenow\)'" < Matt_VanKuiken@stabenow.senate.gov>, Melanie Haveman/R5/USEPA/US@EPA, "'Marty Fittante" <MFittante@senate.michigan.gov>, "'Lane, Michelle" < Michelle.Lane@mail.house.gov>, "'Nyberg, David \(GOV\)" <nybergd@michigan.gov>, "'Paul Rhodea" <Paul.Rhodea@riotinto.com>, "'Virginia Pennala" < pennalav@michigan.gov>, "Russ Williams" <russ1415@hotmail.com>, "Scott Erbisch" < SErbisch@mqtco.org>, Susan Hedman/R5/USEPA/US@EPA, "'Zak Tomich \(Snyder DC\)" <tomichz@michigan.gov>, "Joe Valente" <valentejoe@charter.net>, "'Stacy Welling" <WELLINGS1@michigan.gov>, "WyantD@michigan.gov" < WyantD@michigan.gov> Date: 12/13/2012 05:06 PM Subject: RE: CR 595 EPA Meeting.

I'm very disappointed that the EPA will not be proactive and problem solving during the last 20 days of this permit application as Director Headmen promised me in June of 2012.

I think the Road Commission request as we discussed on the phone and what I requested below in writing is reasonable and should be accommodated.

Jim I

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov]

Sent: Thursday, December 13, 2012 3:35 PM

To: James Iwanicki

Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Steve Casey; Alysha Chadderdon, (GOV DC); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Jerry Fulcher; Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow); Haveman.Melanie@epamail.epa.gov; Marty Fittante; Lane, Michelle; Nyberg, David (GOV); Paul Rhodea; Virginia Pennala; 'Russ Williams'; Scott Erbisch; Hedman.Susan@epamail.epa.gov; Zak Tomich (Snyder DC); 'Joe Valente'; Stacy Welling; WyantD@michigan. gov Subject: Re: CR 595 EPA Meeting.

Jim - I'm sorry for the confusion. As I promised during our call we coordinated with MDEQ regarding your request for a call. Since MDEQ is the permitting authority, they have the lead on this project and will be following up with you. I encourage you to work directly with MDEQ. We will make ourselves available for any calls they set up on this topic. Thanks

Tinka G. Hyde
Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Fax: (312) 697-2562, Phone: (312) 886-9296

"James Iwanicki" ---12/13/2012 08:01:58 AM---Hi Tinka

From: "James Iwanicki" <jiwanicki@marqroad.org>
To: Tinka Hyde/R5/USEPA/US@EPA,
Cc: "Alison Pascale/(Levin)" <Alison, Pascale@levin senate gov>

Cc: "Alison Pascale\(Levin\)" <Alison_Pascale@levin.senate.gov>, "Alysha Chadderdon, \(GOV DC\)" <chadderdona@michigan.gov>, "Berglund, Amy \(Levin\)" <

Amy Berglund@levin.senate.gov>, "Chuck Wolverton" <cwolverton@king-macgregor.com >, "WyantD@michigan. gov" <WyantD@michigan.gov>, "Dan Blough \(Benishek\)" < Daniel.Blough@mail.house.gov>, "Nyberg, David \(GOV\)" <nybergd@michigan.gov>, "Debbie Pellow" <iawwts@sbcglobal.net>, "Doug Messana \(Stabenow\)" < doug messana@stabenow.senate.gov>, Elissa Speizman/R5/USEPA/US@EPA, Felicia Williams/R5/USEPA/US@EPA, "Hosking, Jeremy \(Stabenow\)" < Jeremy_Hosking@stabenow.senate.gov>, "Jerry Fulcher" <FULCHERG@michigan.gov>, "'Meier, John \(KEMC-TEMP\)'" < John.Meier@riotinto.com>, < katie.toskey@mail.house.gov>, "Kaye Meier \(Levin\)" <Kaye Meier@levin.senate.gov>, "Marty Fittante" <MFittante@senate.michigan.gov>, "VanKuiken, Matt \(Stabenow\)" < Matt VanKuiken@stabenow.senate.gov>, Melanie Haveman/R5/USEPA/US@EPA, "Lane, Michelle" <Michelle.Lane@mail.house.gov>, "Paul Rhodea" < Paul.Rhodea@riotinto.com>, "Scott Erbisch" <SErbisch@mqtco.org>, "Steve Casey" < CASEYS@michigan.gov>, "Stacy Welling" <WELLINGS1@michigan.gov>, "Zak Tomich \(Snyder DC\)" <tomichz@michigan.gov>, "Virginia Pennala" <pennalav@michigan.gov>, "Virginia Pennalav@michigan.gov>, "Vi Susan Hedman/R5/USEPA/US@EPA, "'Darryll Sundberg'" <dsund1971@msn.com>, "Dave Hall" <dshall@pasty.net>, "Joe Valente" <valentejoe@charter.net>, "Neil Anderson'" < Anderson.Neil@Charter.net>, "'Russ Williams'" < russ1415@hotmail.com> Date: 12/13/2012 08:01 AM Subject: CR 595 EPA Meeting.

Hi Tinka

I have not heard back from you or anyone else at the EPA since our call on Friday December 7 at 4:40 EST. As discussed on the phone time is of the essence and EPA's lack of response is holding the Road Commission up.

During our call you were going to set up a time either on Wednesday December 12, or today December 13 so we could discuss EPA remaining objections to CR 595. As of the writing of this email we do not have anything set up. During that call I let you know that if you set the time and date I would make sure MDEQ would be at the meeting or on the call.

I also asked you to identify the decision maker for the EPA and if that person or persons would be available through the holidays. As discussed on the phone we would like the EPA decision makers at the table so we can have a clear understanding of what it will take to remove the objections before January 3, 2013. We would also like them to be able to tell us at the table if what we are submitting will be acceptable so we are not wasting anybody's time.

Please advise me ASAP of a time and place that EPA decision making officials will be available to discuss the remaining objections to CR 595 so I can get MDEQ and our federal representatives to the meeting or on the phone to listen to what is left to be done and whether the Road Commission's plan of action will be acceptable to the EPA.

Hope to hear from you very soon.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



James Iwanicki to: 'Casey, Steve \(DEQ\)', Peter Swenson "Fulcher, Jerry \(DEQ\)", Melanie Haveman, "Pennala, Virginia Cc: \(DEQ\)", "'Masterson, Mike \(DEQ\)", "'Creal, William \(DEQ\)", "Fish, Kim \(DEQ\)", Tinka Hyde, "'Okeefe, Colleen \(DEQ\)"

12/14/2012 01:45 PM

Steve

I will have my team call in along with legislative staff.

James M Iwanicki, P.E. **Engineer Manager** Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Casey, Steve (DEQ) [mailto:CASEYS@michigan.gov]

Sent: Friday, December 14, 2012 2:40 PM To: Swenson.Peter@epamail.epa.gov Cc: James Iwanicki; Fulcher, Jerry (DEQ);

Haveman.Melanie@epamail.epa.gov; Pennala, Virginia (DEQ); Masterson, Mike (DEQ); Creal, William (DEQ); Fish, Kim (DEQ);

Hyde.Tinka@epamail.epa.gov; Okeefe, Colleen (DEQ)

Subject: RE: CR 595 EPA Meeting.

The call is on for 4:30 PM EDT today. Call in number

877-848-7030

1409504

From: Swenson.Peter@epamail.epa.gov [mailto:Swenson.Peter@epamail.epa.gov] Sent: Friday, December 14, 2012 10:00 AM

To: Casey, Steve (DEO)

Cc: James Iwanicki; Fulcher, Jerry (DEQ);

Haveman.Melanie@epamail.epa.gov; Pennala, Virginia (DEQ); Masterson, Mike (DEQ); Creal, William (DEQ); Fish, Kim (DEQ); Hyde.Tinka@epamail.epa.gov; Alison Pascale(Levin); Berglund, Amy (Levin); Chuck Wolverton; Wyant, Dan (DEO); Dan Blough (Benishek); Nyberg, David (GOV); Debbie Pellow; Doreen Takalo; Doug Messana (Stabenow); Brown, Eric (GOV); Jeff King; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); Marty Fittante; VanKuiken, Matt (Stabenow); Lane, Michelle; Hedman.Susan@epamail.epa.gov; Tomich, Zak (GOV); 'Darryll Sundberg'; 'Dave Hall'; 'Joe Valente'; 'Neil Anderson'; 'Russ Williams' Subject: RE: CR 595 EPA Meeting.

Steve

I can participate in a call at 4:30 today (until 5:30), and am available next Wed and Fri.

Peter Swenson (WW-16J) Watersheds and Wetlands Branch U.S. EPA, Region 5 77 W. Jackson Boulevard Chicago, IL 60604 312-886-0236

"James Iwanicki" ---12/14/2012 07:21:50 AM---Hi Steve

From: "James Iwanicki" <jiwanicki@marqroad.org> To: "Casey, Steve \(DEQ\)" < CASEYS@michigan.gov>, Peter Swenson/R5/USEPA/US@EPA. Cc: "'Fulcher, Jerry \(DEQ\)'" < FULCHERG@michigan.gov >, Melanie Haveman/R5/USEPA/US@EPA, "'Pennala, Virginia \(DEQ\)'" < PENNALAV@michigan.gov>, "Masterson, Mike \(DEQ\)\" < MASTERSONM@michigan.gov>, "Creal, William \(DEQ\)" <CREALW@michigan.gov>, "'Fish, Kim \(DEQ\)'" <FISHK@michigan.gov>, Tinka Hyde/R5/USEPA/US@EPA, "Alison Pascale\(Levin\)" <Alison_Pascale@levin.senate.gov>, "Berglund, Amy \(Levin\)" < Amy_Berglund@levin.senate.gov>, "Chuck Wolverton@king-macgregor.com >, "WyantD@michigan. gov" <WyantD@michigan.gov>, "Dan Blough \(Benishek\)" < Daniel.Blough@mail.house.gov>, "Nyberg, David \(GOV\)" <nybergd@michigan.gov>, "Debbie Pellow" <iawwts@sbcglobal.net>, "Doreen Takalo" <dtakalo@charter.net>, "Doug Messana \(Stabenow\)" <doug_messana@stabenow.senate.gov>, "Brown, Eric \(GOV\)" < BrownE15@michigan.gov>, "Jeff King" <jking@king-macgregor.com>, "Hosking, Jeremy \(Stabenow\)" <Jeremy_Hosking@stabenow.senate.gov>, "'Meier, John \(KEMC-TEMP\)" <John.Meier@riotinto.com>, <katie.toskey@mail.house.gov>, "Kaye Meier \(Levin\)" <</p> Kaye_Meier@levin.senate.gov>, "Marty Fittante" <MFittante@senate.michigan.gov>, "VanKuiken, Matt \(Stabenow\)" < Matt VanKuiken@stabenow.senate.gov>, "Lane, Michelle" < Michelle.Lane@mail.house.gov>, Susan Hedman/R5/USEPA/US@EPA, "Zak Tomich \(Snyder DC\)" <tomichz@michigan.gov>, "'Darryll Sundberg" < dsund1971@msn.com>, "Dave Hall" <dshall@pasty.net>, "Joe Valente" < valentejoe@charter.net>, "Neil Anderson" <Anderson.Neil@Charter.net>, "Russ Williams'" <russ1415@hotmail.com> Date: 12/14/2012 07:21 AM Subject: RE: CR 595 EPA Meeting.

Hi Steve

Please try to set up a meeting for today at 4:30. If EPA cannot do today it has to be Monday.

I would also like to tentatively set up a meeting for Wednesday and Friday of next week.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

From: Casey, Steve (DEQ) [mailto:CASEYS@michigan.gov]

Sent: Friday, December 14, 2012 7:02 AM

To: Peter Swenson (Swenson.Peter@epamail.epa.gov); James Iwanicki Cc: Fulcher, Jerry (DEQ); Haveman.Melanie@epamail.epa.gov; Pennala, Virginia (DEQ); Masterson, Mike (DEQ); Creal, William (DEQ); Fish, Kim

(DEQ); Tinka Hyde (Hyde.Tinka@epamail.epa.gov)

Subject: RE: CR 595 EPA Meeting.

Peter and Jim,

How do these times (all EDT) work for you? I'm anticipating a 2 hour meeting.

Today at 4:30 PM Monday (17th) 3 PM Tuesday (18th) 4:30 PM Wednesday (19th) All Day Thursday (20th) 3 PM Friday (21st) 8 AM or Noon

I apologize for our limited availability. Ginny and I are conducting interviews to fill our two open "wetlands" positions.

STeve

From: Hyde.Tinka@epamail.epa.gov [mailto:Hyde.Tinka@epamail.epa.gov]

Sent: Thursday, December 13, 2012 3:35 PM

To: James Iwanicki

Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Casey, Steve (DEQ); Chadderdon, Alysha (GOV); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Fulcher, Jerry (DEQ); Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow);

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Thanks

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Hope to hear from you very soon.

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James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



'Casey, Steve \(DEQ\)', Peter Swenson,

James Iwanicki

to: Berglund, Amy \(Levin\), Dan Blough
\(Benishek\), Jeff King, 'Meier, John

The call with the DEQ and EPA is on for 4:30 PM EDT today. Call in number

877-848-7030

1409504

Thank you

Jim I

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200

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Sent: Friday, December 14, 2012 2:40 PM To: Swenson.Peter@epamail.epa.gov Cc: James Iwanicki; Fulcher, Jerry (DEQ);

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12/14/2012 01:51 PM

Hyde.Tinka@epamail.epa.gov; Alison Pascale(Levin); Berglund, Amy (Levin); Chuck Wolverton; Wyant, Dan (DEQ); Dan Blough (Benishek); Nyberg, David (GOV); Debbie Pellow; Doreen Takalo; Doug Messana (Stabenow); Brown, Eric (GOV); Jeff King; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); Marty Fittante; VanKuiken, Matt (Stabenow); Lane, Michelle; Hedman.Susan@epamail.epa.gov; Tomich, Zak (GOV); 'Darryll Sundberg'; 'Dave Hall'; 'Joe Valente'; 'Neil Anderson'; 'Russ Williams' Subject: RE: CR 595 EPA Meeting.

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Cc: Alison Pascale(Levin); Berglund, Amy (Levin); 'Neil Anderson'; Casey, Steve (DEQ); Chadderdon, Alysha (GOV); Chuck Wolverton; Dan Blough (Benishek); Doug Messana (Stabenow); 'Dave Hall'; 'Darryll Sundberg'; Speizman.Elissa@epamail.epa.gov; Williams.Felicia@epamail.epa.gov; Fulcher, Jerry (DEQ); Debbie Pellow; Hosking, Jeremy (Stabenow); 'Meier, John (KEMC-TEMP)'; katie.toskey@mail.house.gov; Kaye Meier (Levin); VanKuiken, Matt (Stabenow);

Haveman.Melanie@epamail.epa.gov; Marty Fittante; Lane, Michelle;

Nyberg, David (GOV); Paul Rhodea; Pennala, Virginia (DEQ); 'Russ Williams'; Scott Erbisch; Hedman.Susan@epamail.epa.gov; Tomich, Zak (GOV); 'Joe Valente'; Welling, Stacy (DNR); Wyant, Dan (DEQ) Subject: Re: CR 595 EPA Meeting.

Jim - I'm sorry for the confusion. As I promised during our call we coordinated with MDEQ regarding your request for a call. Since MDEQ is the permitting authority, they have the lead on this project and will be following up with you. I encourage you to work directly with MDEQ. We will make ourselves available for any calls they set up on this topic. Thanks

Tinka G. Hyde Director, Water Division U.S. EPA (W-15J) 77 W. Jackson Blvd., Chicago, IL 60604-3590 Fax: (312) 697-2562, Phone: (312) 886-9296

"James Iwanicki" ---12/13/2012 08:01:58 AM---Hi Tinka

From: "James Iwanicki" < iiwanicki@margroad.org> To: Tinka Hyde/R5/USEPA/US@EPA, Cc: "Alison Pascale\(Levin\)" < Alison_Pascale@levin.senate.gov>, "Alysha Chadderdon, \(GOV DC\)" <chadderdona@michigan.gov>, "Berglund, Amy \(Levin\)" < Amy_Berglund@levin.senate.gov>, "Chuck Wolverton" <cwolverton@king-macgregor.com >, "WyantD@michigan. gov" <WyantD@michigan.gov>, "Dan Blough \(Benishek\)" < Daniel.Blough@mail.house.gov>, "Nyberg, David \(GOV\)" <nybergd@michigan.gov>, "Debbie Pellow" <iawwts@sbcglobal.net>, "Doug Messana \(Stabenow\)" < doug_messana@stabenow.senate.gov>, Elissa Speizman/R5/USEPA/ÚS@EPA, Felicia Williams/R5/USEPA/US@EPA, "Hosking, Jeremy \(Stabenow\)" < Jeremy_Hosking@stabenow.senate.gov>, "Jerry Fulcher" <FULCHERG@michigan.gov>, "Meier, John \(KEMC-TEMP\)\"" <John.Meier@riotinto.com>, < katie.toskey@mail.house.gov>, "Kaye Meier \(Levin\)" <Kaye_Meier@levin.senate.gov>, "Marty Fittante" <MFittante@senate.michigan.gov>, "VanKuiken, Matt \(Stabenow\)" < Matt_VanKuiken@stabenow.senate.gov>, Melanie Haveman/R5/USEPA/US@EPA, "Lane, Michelle" < Michelle.Lane@mail.house.gov>, "Paul Rhodea" < "'Dave Hall'" <dshall@pasty.net>, "'Joe Valente'" <valentejoe@charter.net>, "'Neil Anderson'" <Anderson.Neil@Charter.net>, "Russ Williams" <russ1415@hotmail.com> Date: 12/13/2012 08:01 AM Subject: CR 595 EPA Meeting.

Hi Tinka

I have not heard back from you or anyone else at the EPA since our call on Friday December 7 at 4:40 EST. As discussed on the phone time is of the essence and EPA's lack of response is holding the Road Commission up.

During our call you were going to set up a time either on Wednesday December 12, or today December 13 so we could discuss EPA remaining objections to CR 595. As of the writing of this email we do not have anything set up. During that call I let you know that if you set the time and date I would

make sure MDEQ would be at the meeting or on the call.

I also asked you to identify the decision maker for the EPA and if that person or persons would be available through the holidays. As discussed on the phone we would like the EPA decision makers at the table so we can have a clear understanding of what it will take to remove the objections before January 3, 2013. We would also like them to be able to tell us at the table if what we are submitting will be acceptable so we are not wasting anybody's time.

Please advise me ASAP of a time and place that EPA decision making officials will be available to discuss the remaining objections to CR 595 so I can get MDEQ and our federal representatives to the meeting or on the phone to listen to what is left to be done and whether the Road Commission's plan of action will be acceptable to the EPA.

Hope to hear from you very soon.

Jim

James M Iwanicki, P.E. Engineer Manager Marquette County Road Commission 1610 N Second Street Ishpeming, MI 49849 (906) 486-4491 ext 200



CR 595 Preliminary Partial Draft Response

Jeff King to: 'Casey, Steve \(DEQ\)'
Peter Swenson, Melanie Haveman, "'Pennala, Virginia \(DEQ\)'",
Cc: moritzw, jiwanicki, "'Meier, John \(RT-EAGLE-Contractor\)'",
"'Rhodea, Paul \(TI\)", "'Charles Wolverton'", "'Matt MacGregor'"

Please respond to jking

Steve -

Attached please find a preliminary/partial draft of what is ultimately going to constitute our complete response to the EPA reaffirmed objection letter of December 4, 2012.

We are submitting this information in the spirit of good communication, so that MDEQ and EPA can review our work to-date on providing complete answers to the issues raised by EPA as soon as possible.

We realize that submitting a formal response with only a few days (or less) remaining on the deadline of January 3 to resolve the EPA objection (such as we discussed on our conference call on Friday) would not allow your staff or EPA much time to review our work. Therefore, this preliminary partial draft is intended to enable you to review and comment on our proposed responses early-on. The responses that are still lacking are mostly a result of the need for us to receive input and work closely with MDNR. I am copying Bill Moritz of the Michigan Department of Natural Resources on this email so that everyone can see where we are hoping to plug-in information we receive from the MDNR to make our response more complete. As we discussed during Friday's conference call, we are planning on meeting with Dr. Moritz this coming Friday afternoon.

While we may slightly revise and add information to some of the responses in the attached draft after receipt of input from EPA or MDEQ, for the most part the substance of this draft is unlikely to change. Therefore, we are looking forward to your review and response to this attachment, which we understand will begin on, or prior to, our next scheduled meeting of Wednesday December 19 at 1:00 p.m. EST.

We welcome any questions at any time and will respond with all due urgency. Thank you for your consideration.

Jeff King King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 12/16/2012 08:25 PM

(616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com



CR 595 Preliminary Partial Draft Response to EPA Obj..pdf



[POSSIBLE SPAM] costs of long-term management

Jeff King to: Peter Swenson

Cc: "Casey, Steve \(DEQ\)", Melanie Haveman, Sue Elston, "'Matt MacGregor \(Matt MacGregor\)"

Please respond to jking

Hi Peter –

If you could please send me the "Property Analysis Record" program that you mentioned during our conference call as pertaining to the costs of long-term management of the preservation area? Thanks.

Jeff King King & MacGregor Environmental, Inc. 2520 Woodmeadow Drive SE Grand Rapids, MI 49546 (616) 957-1231 - Office (248) 207-6996 - Cell

www.king-macgregor.com

12/19/2012 01:55 PM



MDEQ 11-52-0075-P Marquette County Road Commission Response to EPA December 4, 2012 Letter

Matt MacGregor to: 'Casey, Steve \(DEQ\)'

12/27/2012 04:02 PM

"James Iwanicki", moritzw, wyantd, Peter Swenson, Tinka Hyde, chris_mensing, jking, Melanie Haveman

Mr. Casey,

On behalf of the Marquette County Road Commission, please find attached the response to the EPA December 4, 2012 letter. Thank you for your consideration.

Matthew J. MacGregor King & MacGregor Environmental, Inc 2520 Woodmeadow SE Grand Rapids, MI 49546

(616) 957-1231 - Office

(616) 822-9932 - Cell





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